

# RETURN

(64a)

To an Address of the House of Commons, dated November 28, 1906, for a copy of letters, communications, memorials, petitions, or documents, received during the past three years from the government of any province in the Dominion, or any member thereof, by the government of Canada, or any member thereof, relating to the extension or alteration of the boundaries of any province of Canada.

R. W. SCOTT,  
Secretary of State.

(NOTE.—The first part of this return consists of Sessional Papers Nos. 102 and 102a for the year 1905, which see.)

GOVERNMENT HOUSE,  
WINNIPEG, March 22, 1906.

The Honourable  
The Secretary of State,  
Ottawa, Ont.

SIR,—I have the honour to transmit to you, herewith, a Memorial *re* Extension of the Provincial Boundaries of the province of Manitoba, from the Legislative Assembly of that province.

D. H. McMILLAN,  
Lieutenant Governor.

To Our Right Trusty and Right Well-beloved Cousin, the Right Honourable, Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the county of Northumberland, in the Peerage of the United Kingdom, and a Baronet : Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada.

The Humble Address of the Executive Government of the province of Manitoba, pursuant to authority given by the Legislative Assembly of said province adopted on the 12th day of March, A.D. 1906, sheweth, as follows :—

1. That the Legislative Assembly of Manitoba, on the 12th day of March, A.D. 1906, unanimously adopted the following resolution :—

That this House reaffirm its claim for an extension of the present boundaries of the province northward and easterly to comprise all the territory hitherto embraced within the district of Keewatin and now forming part of the Northwest Territories, and believes such a step to be of the highest importance to the interests of the province of Manitoba and to the securing of good government for and the development of said territory.

That an humble Address, setting forth such data as the exigency of the case may require, be prepared by such members if this House as are of the Executive Council



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and presented to His Excellency the Governor General in Council, praying that His Excellency in Council will be pleased to take such action as shall have the effect of accomplishing an early extension of the boundaries of the province to the extent herein before stated.

The Executive Government of the province of Manitoba would therefore pray :—

That Your Excellency in Council will be pleased to take such action as shall have the effect of accomplishing an early extension of the boundaries of the province of Manitoba to the extent set forth in said resolution.

D. H. McFADDEN,

Provincial Secretary,

President of the Executive Council of the Government of Manitoba.

GOVERNMENT HOUSE, WINNIPEG, October 3, 1906.

The Honourable

The Secretary of State,  
Ottawa, Ont.

SIR,—I have the honour to transmit to you, herewith, for the information of His Excellency the Governor General in Council, certified copy of Order in Council, No. 11086:—

‘Advising that the Hon. the President of the Council be authorized to present to the Privy Council at Ottawa, the claims of this province for an extension of boundaries of said province.’

D. H. McMILLAN,

Lieutenant Governor.

OTTAWA, October 24, 1906.

His Honour

The Lieutenant Governor of Manitoba,  
Winnipeg, Manitoba.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 3rd instant, transmitting certified copy of Minute of your Executive Council, numbered 11086, on the subject of the claims of the province of Manitoba, more particularly for an extension of boundaries, and to inform you that the same have been submitted for the consideration of His Excellency the Governor General in Council.

R. W. SCOTT,

Secretary of State.

OTTAWA, October 13, 1906.

The Right Honourable

Sir WILFRID LAURIER,  
Ottawa.

DEAR SIR WILFRID LAURIER,—I have arranged with the Honourable Messrs. Roblin and Scott that we will meet you here on the 12th day of November for the purpose of considering the memorial of Manitoba.

It occurs to me that I cannot take any intelligent part in such a discussion without being made aware of what it is that Manitoba claims.

J. P. WHITNEY.



SESSIONAL PAPER No. 64a

OTTAWA, October 16, 1906.

Hon. J. P. WHITNEY,  
Premier of Ontario,  
— Toronto.

DEAR MR. WHITNEY,—I have the honour to acknowledge the receipt of your favour of the 13th instant, informing me that you have arranged with Messrs. Roblin and Scott to meet the government here on the 12th day of November, for the purpose of considering the memorial of Manitoba respecting the claim which they make for an addition to their territory.

I notice your observation that to take an intelligent part in the discussion which will take place, you should be made aware of what are Manitoba's claims. I am under the impression that I sent you on a former occasion the memorial filed with us by Manitoba. Another memorial has come which, however, does not contain any new matter. I can send you copy of the same if you so desire.

Yours very sincerely,

WILFRID LAURIER.

(Telegram.)

TORONTO, ONT., October 17, 1906.

Sir WILFRID LAURIER,  
Ottawa.

I will be glad to receive copy of the last memorial from Manitoba.

J. P. WHITNEY.

OTTAWA, October 19, 1906.

Hon. J. P. WHITNEY,  
Premier of Ontario,  
Toronto.

DEAR MR. WHITNEY,—Inclosed please find last memorial of the province of Manitoba, on the subject of the extension of their boundaries.

WILFRID LAURIER.

TORONTO, October 20, 1906.

The Right Honourable  
Sir WILFRID LAURIER,  
Ottawa.

DEAR SIR WILFRID LAURIER,—I am much obliged to you for your letter of yesterday inclosing copy of the last memorial of the province of Manitoba on the subject of the extension of their boundaries.

J. P. WHITNEY.

At a conference held at Ottawa on the 12th of November, 1906, were present:—

1. The Right Honourable Sir Wilfrid Laurier, Prime Minister; the Honourable A. B. Aylesworth, Minister of Justice, and the Honourable Frank Oliver, Minister of the Interior, representing the Government of Canada.

2. The Honourable R. P. Roblin, Premier; the Honourable Robert Rogers, Minister of Public Works, and the Honourable Colin H. Campbell, Attorney General, representing the Government of Manitoba.



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3. The Honourable J. P. Whitney, Premier; the Honourable James J. Foy, Attorney General, and the Honourable Arthur J. Matheson, Provincial Treasurer, representing the government of Ontario.

4. The Honourable Walter Scott, Premier, and the Honourable J. H. Lamont, Attorney General, representing the Government of Saskatchewan.

The following papers were filed on behalf of the provinces represented:—

A. By Mr. Roblin:—Letter from Mr. Roblin to Sir Wilfrid Laurier, November 8, 1906.

B. By Mr. Roblin:—Report of a Committee of the Executive Council of the Province of Manitoba, September 20, 1906.

C. By Mr. Roblin:—Report of a Committee of the Executive Council of the Province of Manitoba, October 30, 1906.

D. By Mr. Whitney:—Memorandum on behalf of the Province of Ontario, November 9, 1906.

E. By Mr. Scott:—Memorandum with reference to the claim of the Province of Saskatchewan.

OTTAWA, November 8, 1906.

Right Honourable Sir WILFRID LAURIER, K.C.B.,  
Premier of Canada,  
Ottawa, Ont.

SIR,—In pursuance of your request, delegates representing the government of Manitoba are present to formally support the claims of the province for an extension of her boundaries as embodied in the several memorials and statements of claim as presented to the government of Canada through the office of the Secretary of State.

The representatives of Manitoba cannot admit that there is any ground or justification for being asked to confer with any other province or provinces in Canada in connection with this matter. Ontario's boundaries were settled at her own request and in accord with her own contention, both west and north, as set out in the Imperial Act of 1889; while the territorial legislature to the west of Manitoba declared by formal resolution that they had no interest in the lands north of Manitoba.

For these reasons, the representatives of Manitoba contend that it is a matter purely between the government of Canada and the government of Manitoba. The representatives of Manitoba therefore desire, while conceding to your request to meet in conference the representatives of the foregoing provinces, to do so under this, a formal protest, believing that the claims of Manitoba are so well founded both in law and equity that they do not require anything but the consideration by yourself and colleagues, of the case as submitted, to give the relief asked for.

R. P. ROBLIN,  
Premier.

*COPY of a Report of a Committee of the Executive Council, approved by His Honour the Lieutenant Governor, on September 20, 1906.*

On the recommendation of the Honourable President of the Council, Committee advise:—

1. That, supplemental, but apart from the claims of the province of Manitoba and the several provinces against the Dominion, respecting certain financial matters (which



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said matters are set forth and enumerated in certain interprovincial conference resolutions adopted in the month of January, 1903), the Honourable the President of the Council and the Honourable the Attorney General be authorized, delegated and empowered, on behalf of the executive government of the province of Manitoba, to present to the Privy Council of Canada the claim of the province for an extension of boundaries (which said claim, and reasons substantiating the same, are set forth in the statement hereto annexed), and request that such claim be given due effect to without delay.

2. That a copy of this report be forwarded to the Secretary of State of Canada.

Certified,

C. GRAYBURN,

Clerk, Executive Council.

Council Chamber, September 20, 1906.

#### CLAIM OF THE PROVINCE OF MANITOBA FOR AN EXTENSION OF BOUNDARIES.

##### A PRESENTATION OF FACTS AND ARGUMENTS.

In order to justify the conclusion and deductions hereinafter contained, in the matter of an extension or enlargement of the boundaries of the province, it is both necessary, and wise and expedient, that certain facts and data respecting all and singular the said matter should be particularly stated and outlined.

The province of Manitoba entered the confederation of Canada in the year 1870, and embraced an area of 13,500 square miles.

In the year 1881, as the result of there having been attracted to the province during the period succeeding its creation a large influx of people, thereby largely increasing the population of the province, and, with a view of encouraging and assisting in the opening up of hitherto undeveloped territory, the original contracted limits of the province were, by an Act of the parliament of Canada, enlarged by the addition of certain territory to the west, north and east, thus increasing the total area of the province to 154,000 square miles.

The stability of the addition to Manitoba of the territory to the east, however, depended upon as to how far west the true western boundary of the province of Ontario extended, and, both provinces claiming a part of the same territory, an issue was created, subsequently resulting in the contentions of Ontario being upheld by a decision of the Privy Council, rendered in 1884, and having the effect of reducing the area of Manitoba, contemplated and intended to be given by the said Act of the parliament of Canada in 1881, from 154,000 square miles to 73,732 square miles, which is the present area of the province.

In the case before the Privy Council it was stated that :—

‘It was agreed on December 15, 1883, between Premier Mowat, of Ontario, and Attorney General Miller, of Manitoba, to have a provisional agreement between the two governments for regulating the disputed territory, pending the reference of the whole question in dispute to the Privy Council in England. Appended to this agreement was the joint case agreed upon for submission to the Judicial Committee of the Privy Council.’

In referring to the case submitted to the Privy Council the Lieutenant Governor of Ontario, Hon. John Beverly Robinson, in a communication addressed to the Secretary of State of Canada, under date November 22, 1884, said :—

‘That it is desirable to settle now and for ever the whole westerly and northerly boundary, and believes that the case, as it will be presented to the Judicial Committee



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of the Privy Council, will afford such material as is available for the further purpose referred to.'

This communication further stated :—

'To expedite the matter I have had prepared a draft Bill to carry into effect the decision, whether it is to be confined to what the Privy Council has expressly decided, or to cover the whole subject of the northerly as well as westerly boundaries. I have the honour to inclose a copy of this Bill for the consideration of your government.'

The Bill contained the following clause, as to the northerly boundary of Ontario: 'And it is hereby further declared and enacted that the true northerly boundary of the said province is as follows, that is to say, 'proceeding eastward from the point at which the before-mentioned line strikes the middle line of the course of the said river (whether called by the name of the English river, or, as the part below the confluence, by the name of the River Winnipeg), up to Lac Seul, or the Lonely lake, to the head of that lake, and thence by a straight line to the nearest point of the middle line of the waters of Lake St. Joseph, and thence along the middle line until it reaches the foot or outlet of that lake, and thence along the middle line of the (Albany) river, by which the waters of Lake St. Joseph discharge themselves to the mouth of the said river on the southern shore of the Hudson bay, commonly called James bay, and thence along the said south shore easterly to a point where a line drawn due north from the head of Lake Temiskaming would strike the said south shore.''

The award or decision of the Privy Council respecting the matters in issue was as follows :—

'That upon the evidence their lordships find the true boundary between the western part of the province of Ontario and the southeastern part of the province of Manitoba, to be so much of a line drawn to the Lake of the Woods, through the waters eastward of that lake and west of Long lake, which divide British North America from the territory of the United States, and thence through the Lake of the Woods to the most northwesterly point of that lake as it runs northward from the United States boundary, and from the most northwestern point of the Lake of the Woods a line drawn due north until it strikes the middle line of the course of the river discharging the waters of the lake called Lake Seul, or Lonely lake, whether above or below its confluence with the stream flowing from the Lake of the Woods toward Lake Winnipeg; and their lordships find the true boundary between the same two provinces to the north of Ontario and to the south of Manitoba, proceeding eastward from the point at which the above mentioned line strikes the middle line of the course of the same river (whether called by the names of the English river, or as to the part below the confluence, by the name of the River Winnipeg), up to Lake Seul or the Lonely lake, and thence along the middle line of Lake Seul, or the Lonely lake, to the head of that lake, and thence by a straight line to the nearest point of the middle line of the waters of Lake St. Joseph, and thence along that middle line until it reaches the foot or outlet of that lake, and thence along the middle line of the river by which the waters of Lake St. Joseph discharge themselves, until it reaches a line drawn due north from the confluence of the Rivers Mississippi and Ohio, which form the boundary eastward of the province of Manitoba.

'That without expressing an opinion as to the sufficiency or otherwise of the concurrent legislation of the provinces of Ontario and Manitoba, and of the Dominion of Canada (if such legislation should take place), their lordships think it desirable and most expedient that an Imperial Act of Parliament should be passed to make this decision binding and effectual.'

Accordingly, the boundaries of the province of Ontario were fixed and declared by Imperial Act, 52-53 Victoria, chapter 28, to be as set forth therein. This Act (which is also set forth in the statutes of Canada and the province of Ontario) is as follows:—



SESSIONAL PAPER No. 64a

*An Act to Declare the Boundaries of the Province of Ontario in the Dominion of Canada.*

(12th August, 1889.)

Whereas the Senate and Commons of Canada, in Parliament assembled, have presented to Her Majesty the Queen the address set forth in the schedule to this Act, respecting the boundaries of the province of Ontario;

And whereas the government of the province of Ontario have assented to the boundaries mentioned in that address;

And whereas such boundaries, as far as the province of Ontario adjoins the province of Quebec, are identical with those fixed by the proclamation of the Governor General, issued in November, 1791, which have ever since existed;

And whereas such boundaries, so far as the province of Ontario adjoins the province of Manitoba, are identical with those found to be the correct boundaries by a report of the Judicial Committee of the Privy Council, which Her Majesty the Queen in Council, on the eleventh day of August, one thousand eight hundred and eighty-four, ordered to be carried into execution;

And whereas it is expedient that the boundaries of the province of Ontario should be declared by authority of parliament, in accordance with the said address;

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as 'the Canada (Ontario Boundary) Act, 1889.'

2. It is hereby declared that the westerly, northerly and easterly boundaries of the province of Ontario are those described in the address set forth in the schedule to this Act.

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SCHEDULE.*Address to the Queen from the Senate and House of Commons of Canada.*

We, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in parliament assembled, humbly approach Your Majesty with the request that Your Majesty may be graciously pleased to cause a measure to be submitted to the parliament of the United Kingdom, declaring and providing the following to be the westerly, northerly and easterly boundaries of the province of Ontario, that is to say:—Commencing at the point where the international boundary between the United States of America and Canada strikes the western shores of Lake Superior, thence westerly along the said boundary to the northwest angle of the Lake of the Woods, thence along a line drawn due north until it strikes the middle line of the course of the river discharging the waters of the lake called Lake Seul or Lonely lake, whether above or below its confluence with the stream flowing from the Lake of the Woods into Lake Winnipeg, thence proceeding eastward from the point at which the before-mentioned line strikes the middle line of the course of the river last aforesaid, along the middle line of the course of the same river (whether called by the name of the English river, or, as to the part below the confluence, by the name of the River Winnipeg), up to Lake Seul or Lonely lake, and thence along the middle line of Lake Seul or Lonely lake to the head of that lake, and thence by a straight line to the nearest point of the middle line of waters of Lake St. Joseph, and thence along that middle line until it reaches the foot or outlet of that lake, and thence along the middle line of the river by which the waters of Lake St. Joseph discharge themselves, to the shore of the part of Hudson bay commonly known as James bay, and thence southeasterly following upon the said shore to a point where a line drawn due north from the head of Lake Temiskaming would strike it, and thence due south along the said line to the head of the said



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lake, and thence through the middle channel of the said lake into the Ottawa river, and thence descending along the middle of the main channel of the said river to the intersection by the prolongation of the western limits of the Seigneurie of Rigaud, such mid-channel being as indicated on a map of the Ottawa ship canal survey, made by Walter Shanly, C.E., and approved by order of the Governor General in Council, dated the twenty-first July, one thousand eight hundred and eighty-six; and thence southerly following the said westerly boundary of the Seigneurie of Rigaud to the southwest angle of the said Seigneurie, and then southerly along the western boundary of the augmentation of the township of Newton to the northwest angle of the Seigneurie of Longueuil, and thence southeasterly along the southwestern boundary of said Seigneurie of New Longueuil to a stone boundary on the north bank of the Lake St. Francis, at the cove west of Point au Baudet, such lien from the Ottawa river to Lake St. Francis being as indicated on plan of the line of boundary between Upper and Lower Canada made in accordance with the Act, 23 Victoria, chapter 21, and approved by order of the Governor in Council, dated March 16, 1861.

At certain periods subsequent to the passage of the Dominion Act, in 1881, extending the limits of the province, and before the decision of the Privy Council in 1884, upholding the contentions of Ontario as to the true western boundary line of that province, as aforesaid, the executive of the government of Manitoba made repeated requests upon the Dominion government for a further extension of the boundaries of Manitoba as far west as the one hundred and second meridian and northerly to Hudson bay.

Respecting the latter, the late Honourable John Norquay, then Premier of the province, in transmitting, on the 29th of January, 1884, a minute of Council of the executive government of the province, bearing date the 8th of March, 1883, to the Secretary of State of Canada, claiming, amongst other things, that the province should be given a further extension of boundaries westerly and northerly, said:—

‘Sir,—I have the honour to draw your attention to the memorandum of the Executive Council of the province of Manitoba, approved by His Honour the Lieutenant Governor-in-Council, March 8, 1883, and transmitted to the Department of the Secretary of State, a copy of which is attached hereto. In the above mentioned memorandum the desire is expressed that a further extension of the boundaries of Manitoba be granted northward to the Hudson bay and westward to the one hundred and second meridian.’

Following up this communication the official records show that Mr. Norquay shortly afterwards proceeded to Ottawa to discuss with the Dominion authorities the various outstanding claims of the province against the Dominion, and on the twelfth of February, 1884, submitted to certain members of the Dominion Executive, delegated for the purpose, certain proposals, in which the following was included:—

‘That the boundaries of the province of Manitoba be extended northward so as to include Port Churchill, on Hudson bay, and westward to the one hundred and second meridian.’

In a further Order in Council passed by the Executive Council of the province, April 4, 1884, the following appears:—

‘The Hudson bay route has been to this country for over two hundred years the only medium of communication with the civilized world. It was the route by which early settlers, under Lord Selkirk, arrived in this country. Any seaport on the Hudson bay will be nearer to Manitoba than to any other province, and will in the near future be necessarily embraced within her municipal organizations.

‘The inhabitants of Manitoba, especially the farming community, have a more direct interest at stake in the opening up of communication via Hudson bay than the inhabitants or other people of any other province.’

On the 22nd of April, 1884, a resolution was passed by the Legislative Assembly of the Province, deputing the members of the executive to proceed to Ottawa to procure from the government of Canada a settlement of the rights of the province, and, among other matters the delegates were instructed to urge, appears the following:—



SESSIONAL PAPER No. 64a

*'Extension of Boundaries.'*

In the year 1901, the legislature of the province unanimously passed the following resolution:—

'Whereas the territorial area of the province of Manitoba is small in comparison with area of most of the other provinces of the Dominion of Canada, while the machinery of government is as full and complete as would be necessary to govern and administer the affairs of a much larger territory; and

'Whereas there are districts adjacent to the province of Manitoba that should be comprised within the limits thereof for the purpose of provincial autonomy, their agriculture, commercial and educational interests being in a great measure common, and a union thereof would tend to develop and strengthen the same; and

'Whereas, in the formation of the said adjacent territory into provinces, it is advisable, in the public interests, to include in the province of Manitoba as much of the area as possible consistent with economical administration.

'Therefore be it resolved, that a memorial be presented to the Parliament of Canada, praying that the boundaries of the province of Manitoba be extended so as to include as much of the adjacent territory, for reasons aforesaid, as may be consistent with economical and efficient government and for the welfare and development of the people and territory therein comprised, having in view as one of the objects to be attained the extension of the boundaries of Manitoba northwards to Hudson bay.

In the year 1902 the legislature of the province unanimously passed the following resolution:—

'Whereas, in the year 1870, the province of Manitoba was created, comprising what now may be described as townships one to seventeen, ranges one to eleven east and west of the first principal meridian, according to Dominion survey; and

'Whereas the said boundaries of the province, in the year 1881, were extended or enlarged so as to comprise as a whole townships one to forty-four, in ranges one to twenty-nine west, and east to the westerly boundary of Ontario, which westerly boundary was understood to be in a line due north from the international boundary and passing some distance east of Port Arthur, and thus giving the province of Manitoba a port on Lake Superior, and so increasing its area from 13,464 square miles to 154,411 square miles, but, unfortunately, as a result of the litigation respecting the boundary between this province and the province of Ontario, the said area was reduced by upwards of 100,000 square miles from that which this province had looked for; and

'Whereas the Northwest Territories comprise all the territories formerly known as Rupert's Land and the Northwest Territory, save and except that embraced within Manitoba and the Districts of Keewatin and Yukon, otherwise and more fully described as the Districts of Assiniboia, Saskatchewan, Alberta, Athabasca, Mackenzie and Franklin; and

'Whereas the area of the province of Manitoba, exclusive of water is approximately sixty thousand square miles, and within the combined area of the Northwest Territories are comprised millions of square miles; and

'Whereas the large increase of population of Manitoba denotes, as the fact is, that rapid strides of advancement have been accomplished in the province since the creation thereof, and that the limited area of its boundaries may be, until expansion shall have been effected by the addition of further territory, a serious drawback to further development; and

'Whereas it is believed that the extension of the boundaries of the province, so as to embrace and include a portion of the eastern portion of the Districts of Assini-



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boia and Saskatchewan, in the Northwest Territories, and northward to Hudson bay, would largely tend to the material advantage of both Manitoba and of those persons within and that may hereafter become residents of the said proposed extended territory; and

‘Whereas the province of Manitoba possesses legislative powers and advantages of an educational, commercial, benevolent and charitable character not at present possessed or enjoyed by the Northwest Territories; and

‘Whereas the larger area within the Northwest Territories, scattered settlements, diversity of interests, inadequate revenue for substantial development, limited railway facilities, cannot but seriously impair and retard the growth and welfare thereof, making it desirable, therefore, that a portion of the said area should be attached to and become a part of the province of Manitoba, where, as aforesaid, more favourable conditions exist for material advancement; and

‘Whereas similarity of interests, agricultural and otherwise, between the province of Manitoba and the proposed extended territory renders the accomplishment of such extension as aforesaid of paramount importance to both; and

‘Whereas the addition of a portion of the area of the Northwest Territories of the province of Manitoba, as aforesaid, does not present financial or other difficulties incapable of amicable, satisfactory and equitable adjustment.

‘Therefore let it be resolved,

‘1. That this House is of the opinion that it is desirable, both in the interests and for the welfare of the province of Manitoba and the Northwest Territories, that the area of the former should be increased by an extension of boundaries so as to embrace and include a portion of the districts of Assiniboia and Saskatchewan and northwards to Hudson bay; and

‘Whereas this House desires to reaffirm the foregoing resolution, believing, as it does, that the early extension of the boundaries of the province of Manitoba westward and northward to Hudson bay is of the highest importance to the interests of the province and the territory proposed to be added.

‘Therefore let it be resolved,

‘1. That an humble address, setting forth the allegations set forth in the foregoing resolutions, previously adopted by this House, with such other data as the exigency of the case may require, be prepared by such members of this House as comprise the executive, and presented to His Excellency the Governor General, praying that His Excellency in Council will be pleased to take such action as shall result in the boundaries of the province of Manitoba being extended westward and northward to Hudson bay at an early date.’

Resolutions in similar terms were also unanimously adopted by the legislature of the province in the years 1905 and 1906.

No notice of any kind, formal or otherwise, was taken by the Dominion authorities of the resolutions and the memorials founded thereon, adopted and authorized by the legislature in the years 1901 and 1902.

To the memorial authorized by resolution of the legislature in 1905, an invitation was extended by the Premier of Canada, on the fourteenth day of February, 1905, to representatives of the province to go to Ottawa and discuss with himself and colleagues the extension of boundaries asked for. Accordingly two members of the executive of the province proceeded to Ottawa, and, on the eighteenth day of February, 1905, discussed the subject with certain of the Dominion executive, including the Premier, Sir Wilfrid Laurier, pointing out the strong claims of the province in the premises. It appears from the records of this conference that a reply to the representations of the province, as to the claims made and presented by them, was promised within three or four days by Sir Wilfrid. No reply, however, being forthcoming, as promised, and Sir Wilfrid having in the meantime introduced in the House of Com-



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mons the Northwest Autonomy Bills, and made certain remarks as to what the policy of his government was respecting the claims of Manitoba, the delegates forwarded a communication, addressed to him, as follows :—

‘RUSSELL HOUSE, OTTAWA, February 23, 1905.

‘SIR,—As we find it necessary to leave Ottawa to-morrow, we desire to refer to our interview of Friday, the 18th, respecting Manitoba's claim for extension of her boundaries westward and northward, when you were good enough to suggest that if we remain here for three or four days, you would then be in a position to give us an answer respecting same. Up to the present time, however we have heard nothing further from you, except your statement in parliament on Tuesday last, when introducing your Autonomy Bills, which we presume represents your fixed and final decision as to our western boundary.

‘In view of Manitoba's strong claims, as presented to you in the memorial unanimously passed by our legislature, and supported and supplemented in our interview, we must enter, on behalf of the province, our firm protest against your decision in refusing to grant the prayer of our request for the extension of our boundaries westward, and exceedingly regret that apparently local considerations have deprived Manitoba of what she rightfully regards as a most just claim.

‘Respecting extension northward, we most respectfully urge upon you that this should engage your consideration and attention during the present session. We, of course, most emphatically deny the right of Quebec and Ontario having anything to say in respect to the extension of our boundaries northward in the Keewatin District to the shores of the Hudson bay. This district has been so long attached to Manitoba that it is impossible to conceive how Quebec and Ontario, who already have their boundaries north of James bay, could advance any claim worthy of consideration that would necessitate delay in attaching this territory immediately to our province. We regard this as exclusively a matter of settlement between your government and Manitoba.

‘We sincerely trust that, upon further consideration, you may see your way clear to grant the request we make on behalf of the united province.

‘Yours faithfully,

‘R. ROGERS,

‘C. H. CAMPBELL.’

In introducing, in the House of Commons on February 21, 1905, the Northwest Autonomy Bills, Sir Wilfrid spoke as follows regarding the claim of the province for an extension of boundaries northward to Hudson bay:—

‘But, sir, there is another demand of the province of Manitoba which, I think, is entitled to fair consideration. Manitoba has asked to have her territory extended to the shores of Hudson bay, and this is a prayer which seems to me entitled to a fair hearing. But the province of Manitoba is not the only one whose territory could be extended to the shores of Hudson bay. The province of Ontario would have the same right; the province of Quebec would also have that right and the new province of Saskatchewan would have an equal right to have her territory extended to the shores of Hudson bay. Therefore, in the project we have to present to the House to-day, instead of including in the province of Saskatchewan that portion of territory lying north of Lake Winnipegosis and Lake Manitoba, we propose to leave that outside to be included neither in Saskatchewan nor in Manitoba, but to be dealt with at some future day. And I may say at once that I have the authority of my colleagues to make the announcement that we propose to invite the province of Ontario, the pro-



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vince of Quebec, the province of Manitoba, and the province of Saskatchewan to meet us here to decide whether or not it is advisable that the limits of any of these provinces should be extended to the shores of Hudson bay, and, if so, in what manner it should be done.'

On March 2, 1905, the Premier of Ontario addressed the following communication to Sir Wilfrid Laurier:—

'MY DEAR SIR WILFRID LAURIER,—I have noticed several statements in the press of the province during the past week, referring to an alleged proposed division by the Dominion among the provinces of the territory lying to the south and west of James bay and Hudson bay, and known as the territory of Keewatin.

'Presumably, the province of Ontario should be entitled to a large portion of this territory, and should be heard with reference to any proposed division of it.

'Assuming that such a division is in contemplation, I respectfully and earnestly urge upon you that, before the details of such division be decided upon, or even considered, the province of Ontario be allowed to submit to the Dominion government, for consideration with reference to such proposed division, its claim to that portion of such territory as it may fairly urge shall be allotted to it.'

To which Sir Wilfrid, on March 4, 1905, replied to Mr. Whitney as follows:—

'MY DEAR MR. WHITNEY,—I have the honour to acknowledge the receipt of your favour of March 2. You have anticipated the action which I intend to take. The province of Manitoba has asked us to have its territory extended to Hudson bay. It seems to me that this is a matter in which the province of Ontario might have an interest. I will ask the Secretary of State to send you an official copy of the claim of Manitoba. In the meantime I send you one under cover.'

On March 21, 1905, the following appears in the Speech from the Throne, delivered at the opening of the Ontario legislature :—

'A short time ago it was brought to the attention of my ministers that the government of Manitoba had made application to the Dominion government for an extension of the boundaries of that province northward to the shore of Hudson bay, and also that the federal government might possibly be willing to divide it between and transfer to the contiguous provinces the territory lying west, south and east of Hudson bay and James bay. My ministers at once put themselves in communication with the federal government, and respectfully urged that, before the details of any such division of territory should be decided upon, or even considered, the government of this province should be allowed to submit for consideration, with reference to such proposed division, its claim to that portion of territory which the province might fairly urge should be allotted to it. I am pleased to inform you that a satisfactory answer has been received from the Premier of Canada, and that we are now, perhaps, entitled to hope and expect that a very large portion of the vast territory lying north of the present northern boundary of Ontario, believed to be rich in minerals, and extending to the southerly and westerly shores of Hudson bay, will be included within the boundaries of our province.'

On March 29, 1905, a reply was received by the province from the Privy Council of the Dominion to the memorial of the province, dated January 9, 1905 (prepared and forwarded pursuant to the resolution of the legislature of the province at the session of 1905), as follows :—

'March 21, 1905.

'The committee of the Privy Council have had under consideration a memorial, dated January 19, 1905, the provincial government of Manitoba, praying for an extension of the boundaries of province westward, to include a portion of the present districts of Assiniboia and Saskatchewan, and northward to Hudson bay.



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‘The committee observe that this request is not new, and they wish to recall that more than twenty years ago the legislature of Manitoba addressed a memorial to the Governor General in Council, embodying several petitions, one of which related to the extension of the boundaries of the province in a westerly direction;

‘The committee observe that the ministry of the day declared themselves unable to assent to this proposal. Their reasons are embodied in a minute of the Privy Council, dated April 1, 1884, which may conveniently be reproduced here :—

“The boundaries of Manitoba were originally fixed at the instance of the delegates from that province, who came to Ottawa in the year 1870 to adjust with the government of Canada the terms upon which Manitoba was to enter the confederation of Her Majesty’s North American provinces.

“The limits then agreed to embrace an area of about 9,500,000 acres. In the year 1881 these limits were enlarged and territory added to the west and north, making the total area of the province 96,000,000 acres, or 150,000 square miles.

“In the same year the true western boundary of Ontario was fixed as the eastern limit of Manitoba, which may add largely to the area of the province. The further enlargement now asked for by Manitoba would add about 180,000 square miles to the already large area of the province, and would be viewed with disfavour as well by the old provinces as by the new districts of Assiniboia, Saskatchewan, Alberta and Athabasca, which have been created in the Northwest Territories, and which will ultimately become provinces of the Dominion. It would largely add to the expenses of the government without increasing the resources of Manitoba, already pronounced by the government of the province to be insufficient to meet its normal and necessary expenditure.

“The committee, under these circumstances, humbly submit to Your Excellency that it is not expedient to alter the boundaries of the province as prayed for.”

‘The committee submit that these considerations, which appeared conclusive to the government of Canada in 1884, do not, it is true, possess any considerable force when looked upon from the standpoint of the present condition of affairs. The settlement of the boundary of Ontario did not bring about the anticipated increase in the area of Manitoba, and it has not been deemed wise to erect the provisional districts of Alberta, Assiniboia, Saskatchewan and Athabasca into four separate provinces. On the contrary, the measure now before parliament provides for the division of the Territories into two provinces, thus leaving an undeniable disparity between the area of the two provinces about to be created and the area of the province of Manitoba.

‘The Committee of the Privy Council submit that, notwithstanding that they have the utmost sympathy with the desire of the province of Manitoba to increase its area, it must be recognized that circumstances have been greatly changed since 1881. When the addition was made to the province of Manitoba of what is known as the “added territory” in the year 1881, there existed no serious obstacle to the extension of the boundary of Manitoba at that time from one to two hundred miles further westward. Unfortunately for the solution of the question in the manner desired by the province of Manitoba conditions have materially changed since that date. The strip of territory which lies in the proposed province of Saskatchewan immediately to the westward of the boundary of Manitoba, is one of the most thickly settled districts in the Northwest Territories. It is not in the position that it was in 1881, but, on the contrary, it is now a settled country with defined and well established institutions, occupied by people who have in the main resided upon their present locations sufficiently long to become owners of the property which they occupy.

‘The committee further submit that all information in their hands or available indicates that the people occupy the strip of territory in question may be said to be unanimously and determinedly opposed to being united with the province of Manitoba.

‘The committee do not propose to discuss the reasons for the existence of such sentiment nor whether there are just grounds for its existence or not.



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‘The committee submit that in corroboration of the view above expressed, a resolution of the legislative assembly of the Northwest Territories passed on May 20, 1901, may be cited. It is not suggested that the resolution of the assembly should be regarded as conclusively deciding the question for the government of Canada, but it may be cited as indicating what the legislative assembly thought of the proposition which is now being considered.

‘“This House is strongly opposed to any further extension of the western boundary of the province of Manitoba, and in the opinion of the House any such extension would be opposed to the wishes and detrimental to the interests not only of any portion of the Territories more directly affected thereby but of the Territories as a whole.”

‘The committee desires, nevertheless, to observe that the arguments above advanced and the resolution of the Northwest legislature above referred to, have reference solely to the westerly extension. These objections do not seem to have been urged against an enlargement of Manitoba’s boundaries towards the north, and it has been with a view to the future consideration of such a proposal that the present ministry did not by the measure now before parliament include within the proposed limits of the new province of Saskatchewan, the northeastern portion of the provisional district of that name, or the eastern portion of Athabasca.

‘The committee are likewise of the opinion that the desire of the province of Manitoba for an extension of its boundaries to the shores of Hudson bay is not an unreasonable one, and they suggest that when the measure now before parliament for the formation of the two provinces of Alberta and Saskatchewan are disposed of, the subject of such an extension of the boundaries of Manitoba might profitably be considered.

‘It is possible that, in this connection, questions may arise which concern other provinces, inasmuch as the territories lying to the north of other provinces may be made the subject of requests of a character similar to that of the province of Manitoba in the present case.

‘The committee, therefore, recommend that at a convenient date after the formation of the provinces of Alberta and Saskatchewan, the request of the province of Manitoba for an extension northward be taken up, with the object of coming to a speedy conclusion, and trust that this suggestion may be accepted to the government of the province of Manitoba, whose welfare and development the present ministry desire to promote in every way compatible with their obligations towards the other provinces of the Dominion.

‘The committee advise that a copy of this minute be communicated to the Lieutenant Governors of Manitoba and Ontario, and at a later date to the Lieutenant Governor of Saskatchewan, for the information of their respective governments.

‘All of which is respectfully submitted for approval,

‘JOHN J. MCGEE,

‘Clerk of the Privy Council.’

On the first day of April, 1905, the following reply thereto was made by the province:—

‘The executive of the government of Manitoba have had under consideration the reply of the Privy Council of Canada, bearing date March 31, 1905, to the memorial of the government of the province of Manitoba, bearing date the nineteenth day of January, 1905, desire to reaffirm the position taken by them on behalf of the province of Manitoba, and to strongly protest against the delay in action now proposed by the minute of Council, bearing date the twenty-first day of March, 1905, and object to the intervention of parties not concerned in the territory asked for.

‘The executive of the government further observe that the territory westerly and northerly now asked for by the province of Manitoba is entirely comprised within the area acquired from the Imperial government after the surrender of the Hudson’s Bay Company’s rights and did not form part of Old Canada, and we dispute the fairness



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or the right of any of the old provinces of Canada to have their territory added to therefrom at the expense of Manitoba, or their right of consultation as to its disposition.

‘The government of Manitoba further observe that the Right Honourable Sir Wilfrid Laurier, in his speech introducing the Bills to create the proposed provinces of Saskatchewan and Alberta, used the following language:—

“But, sir, there is another demand of the province of Manitoba, which, I think, is entitled to fair consideration. Manitoba has asked to have her territory extended to the shore of Hudson bay, and this is a prayer which seems to me to be entitled to a fair hearing. But the province of Manitoba is not the only one whose territory could be extended towards Hudson bay. The province of Ontario would have the same right: the province of Quebec would also have that right, and the new province of Saskatchewan would have an equal right to have her territory extended to the shores of Hudson bay. Therefore, in the project which we have to present to the House to-day, instead of including in the province of Saskatchewan that portion of territory lying north of Lake Winnipegosis and Lake Manitoba, we propose to leave that outside to be included, neither in Saskatchewan nor in Manitoba, but to be dealt with at a future day. And I may say at once that I have the authority of my colleagues to make the announcement that we propose to invite the province of Ontario, the province of Quebec, the province of Manitoba, and the province of Saskatchewan to meet us here to decide whether or not it is advisable that the limits of any of these provinces should be extended to the shores of Hudson bay, and if so, in what manner it should be done.”

‘The government of Manitoba cannot accede to the statement that these provinces have any right to decide on the merits of the claim set up by the province of Manitoba, for the following, amongst other reasons:—The territory did not form part of Old Canada; Quebec and Ontario now border on that part of Hudson bay called James bay, and the proposed province of Saskatchewan is now being created largely out of territory which Manitoba has claimed since 1884, and which was withheld because Manitoba was then supposed to go easterly to the ninetieth meridian.

‘The province of Manitoba considers that there would be equally as much ground for this province being called into conference with the province of Quebec on the disposition of Ungava, as for Quebec or Ontario being called into conference with us on the disposition of territory now being asked for by the province of Manitoba.

‘The executive further observe that in the year 1881, when Manitoba’s boundaries were enlarged, it was the fixed determination of the government of Canada to give to the province of Manitoba an area somewhat similar to the eastern provinces, approximately one hundred and fifty thousand square miles, the easterly boundary presumably being the ninetieth meridian.

‘And the executive further observe that in the year 1882, the province of Manitoba further urged the extension of its boundaries. And at the time of the Minute of Council referred to, dated April 1, 1884, the eastern boundary of the province of Manitoba had not been determined, and Manitoba had not had its territory lessened by the boundary award, and in the opinion of the executive, the minute, instead of affording justification to the now proposed action by the Dominion government, constitutes, in addition to the other strong claims advanced by Manitoba for extension, a strong argument for the immediate granting of the request of the province of Manitoba.

‘The province of Manitoba, through its people and government, have contributed largely to the development and advancement of the territory now asked for, and the settlement of people which has taken place has been with the full knowledge of the claims of Manitoba for extension of its territory, and the government cannot too strongly protest against the injustice being done to Manitoba in this respect and the inequality in territory is openly manifest to every one.

‘The disposition of the territory is a matter entirely within the competence of the government of Canada, who can determine the territory to be added, and we must respectfully press for the decision of the government of Canada thereon.



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‘The government of Manitoba can see no good reason justifying the proposed conference, and reserves to itself and the legislative assembly of Manitoba, all and every constitutional action, should the injustice and inequality be not speedily remedied.

‘The government of Manitoba, in conclusion, exceedingly regret that in their judgment, the circumstances compel them to use the strong and urgent language contained in this reply.’

At the 1905 session of the parliament of Canada, Acts were passed (being assented to on the twentieth day of July, 1905) creating and providing for the government of the two provinces of Alberta and Saskatchewan, and defining the limits thereof, and ‘The Northwest Territories Act’ was amended by providing that thereafter the Northwest Territories should comprise all the territories formerly known as Rupert’s Land and the Northwest Territories, except such portions thereof as form the provinces of Manitoba, Saskatchewan and Alberta, the districts of Keewatin and the Yukon Territory. No provision, however, was made for the extension of the boundaries of the province of Manitoba.

The Northwest Territories above referred to formerly comprised all the north-western territory, with the exception of Manitoba and the district of Keewatin. (See chapter 25, 43 Victoria, section 2, Statutes of Canada, also Revised Statutes of Canada, chapter 53, section 3.) The limits of the district of Keewatin and provisions for the government thereof, prior to the inclusion of said territory within the Northwest Territories, hereinafter alluded to, are as set forth in chapter 21, 39 Victoria, chapter 6, 40 Victoria, Statutes of Canada, and chapter 53, Revised Statutes of Canada.

By the terms of the said Keewatin Act the territory embraced therein, up to the time of the inclusion of said territory in the Northwest Territories, as aforesaid, and hereinafter referred to, was presided over, for a period covering approximately twenty years, as Lieutenant Governor, by the Lieutenant Governor of the province of Manitoba, and to a very large extent the said territory was subject to provincial authority.

The said territory, comprised within what was formerly known as the district of Keewatin, consists of an area of wide domain and rugged characteristics, and therefore very sparsely settled.

In the said ‘Keewatin Act,’ after setting forth the territorial extent thereof, there appears immediately thereafter the following proviso :—

‘Provided always, that the Governor in Council may, by proclamation published in the *Canada Gazette*, at any time when it appears to the public advantage so to do, detach any portion of the said district therefrom and reannex it to that part of the Northwest Territories of Canada not included in the said district ; and that portion so detached shall then be subject to the same government and laws as that part of the Northwest Territories of Canada to which it is reannexed.’

On the twenty-fourth day of July, 1905, the following Order in Council was passed by the Dominion executive, whereby the whole of the territory comprised within the district of Keewatin was included in the Northwest Territories :—

## CANADA.

GREY.

EDWARD THE SEVENTH, by the grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these presents shall come, or whom the same may in anywise concern—



GREETING:

A PROCLAMATION.

A. POWER,  
Acting Deputy of the  
Minister of Justice,  
Canada.

WHEREAS it is, in and by the Act, chapter fifty-three of the Revised Statutes of Canada, commonly known as 'The Keewatin Act' amongst other things, in effect enacted that our Governor in Council may, by proclamation published in the *Canada Gazette*, at any time

when it appears to the public advantage so to do, detach any portion of the District of Keewatin therefrom and reannex it to that part of the Northwest Territories of Canada not included in the said district, and that the portion so detached shall then be subject to the same government and laws as that part of the Northwest Territories of Canada to which it is reannexed;

And whereas it has become expedient that the said District of Keewatin should be again annexed to and made subject to the same government and laws as the Northwest Territories;

Now therefore know ye that, by and with the advice of our Privy Council of Canada, and under and by virtue of the powers by the said in part recited Act, and of all and every powers and power in that behalf in any manner otherwise in us vested, we do by these presents proclaim and declare that on, from and after the first day of September, in the year of our Lord one thousand nine hundred and five, the whole of the said District of Keewatin shall be annexed to that part of the Northwest Territories not included in the said district;

Of all which our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In testimony whereof, we have caused these our letters to be made patent and the great seal of Canada to be hereunto affixed. Witness our right trusty and right well beloved Cousin the Right Honourable Sir Albert Henry George, Earl Grey, Viscount of Howick, Baron Grey of Howick, in the County of Northumberland in the peerage of the United Kingdom, and a Baronet, Knight Grand Cross of our most distinguished order of Saint Michael and Saint George, &c., Governor General of Canada, at our Government House, in our City of Ottawa, this twenty-fourth day of July, in the year of our Lord one thousand nine hundred and five, and in the fifth year of our reign.

By command,

P. PELLETIER,  
Acting Under Secretary of State.

It will be noted that this Order in Council was passed by the Dominion Privy Council on the twenty-fourth day of July, A.D. 1905, or four days after the Act amending 'The Northwest Territories Act' was assented to (July 20, 1905), which declared that the Northwest Territories should comprise Rupert's Land and all the northwestern territory, except such portions thereof as comprised the provinces of Manitoba, Saskatchewan, Alberta, the District of Keewatin and the Yukon Territory.

The present area of the several provinces of the Dominion is as below stated:—

Area of Provinces.	Square miles
Ontario.. . . .	260,862
Quebec .. . . .	351,873
Nova Scotia.. . . .	21,428
New Brunswick .. . . .	27,985
Manitoba.. . . .	73,732
British Columbia.. . . .	372,630
Prince Edward Island.. . . .	2,184
Alberta.... .	253,540
Saskatchewan.. . . .	250,560



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The population of Manitoba, during the periods 1881, 1891, 1901, 1906, is officially given as follows:—

1881.	1891.	1901.	1906.
62,260	152,506	254,947	360,000 (estimated)

## ARGUMENT.

The population of the province of Manitoba having increased from 62,260 in 1881 to 360,000 in 1906, if not to a still greater extent, the province, on the broad principle of equity and right, which should be accorded to every free people, is entitled to have its present contracted area materially increased.

The province is entitled to increased area to so enable it to occupy that independent position which was contemplated by the spirit of confederation and which the people were led to believe should be enjoyed by them.

The province is entitled to increased area so as to place it on a proportionate equality as to area with the other provinces.

It is submitted that, if it was deemed wise and prudent in 1881 to enlarge the extent of the province from 13,500 square miles to 154,000 square miles, as is the fact, that the present claim of the province to an increase of the present area from 73,732 to a reasonable extent, is accentuated and justifiable in an immeasurable degree.

It is pointed out that had it not been for the decision of the Privy Council determining the true western boundary of the province of Ontario favourable to the contentions of that province, since the year 1881, the province of Manitoba would have been, and to-day would be, in the possession and enjoyment of more than double the present area.

It is maintained that the province having, as has been amply shown in the statement of facts hereinbefore contained, incessantly, subsequent to the year 1881, and down to the present time, urged upon the federal government a northerly extension of boundaries to Hudson bay, that due weight and effect should forthwith be given to the request.

It is further pointed out that the decision of the Privy Council on the question of the boundary between Ontario and Manitoba not only had the effect of Manitoba sustaining a loss to Ontario of certain territory included in 'The Boundaries Extension Act' of 1881, but, in addition, in consequence of the manner in which the territory given to Manitoba was described in that Act, a very large area east of Manitoba and north of Ontario in the Keewatin territory, and not claimed by Ontario, was wholly lost to the province.

To make this perfectly clear, the following quotation is given from a communication addressed to the Secretary of State of Canada by the Lieutenant Governor of Ontario under date the 26th February, 1886. He said, 'You will bear in mind that the territory which was in dispute with Manitoba, and which is covered by the decision as to our western boundary, consists of about 39,000 square miles.' The fact is, therefore, that the boundaries of Manitoba having been increased by the Act of 1881 to comprise 154,000 square miles and 39,000 square miles thereof having been given to Ontario by the boundary award, and the present area of the province being 73,732 square miles, Manitoba was the further loser to the extent of over 40,000 square miles in the Keewatin territory, which has never been restored and to which the province is entitled.

It is claimed that the fact of Manitoba having been granted, by the Act of 1881, over 40,000 square miles of territory in Keewatin (lost to it as a result of the boundary award), that this should not only be restored to Manitoba, but that it constitutes strong grounds for the present claim of the province for an extension of boundaries in said Keewatin territory.



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While issue is taken with the view expressed by the Dominion Executive in 1881, that Manitoba was not at that time entitled to an extension of boundaries westerly, it is freely admitted that it would have been extremely difficult for this to have been done, owing to changed conditions, in 1905, when the Northwest Autonomy Bills were passed. The stability and soundness, however, of the contention of the Dominion Executive, as expressed by Sir Wilfrid Laurier in introducing the Northwest Autonomy Bills in the House of Commons in February, 1905, and again reiterating in the Order in Council of the Dominion Executive of the month of March following, hereinbefore quoted, and to the effect that in the consideration of the request of Manitoba for an extension of boundaries northward, similar claims of other provinces (Ontario, Quebec and Saskatchewan being mentioned by Sir Wilfrid) should be considered, is strongly controverted. The boundaries of the province of Saskatchewan have been fixed by the parliament of Canada after due deliberation, embracing an area of 250,560 miles, nearly three and one-half times greater than Manitoba, and that province, having been formed altogether out of territory hitherto in the Northwest Territories and out of no part of the Keewatin territory, has no *locus standi* whatever to be considered. The suggestion that Quebec, a province over a thousand miles distant from Manitoba, and separated from the Keewatin territory by the province of Ontario and James bay, should be considered, is not to be seriously discussd. It would be almost as rational to suggest that Newfoundland, Nova Scotia and Prince Edward Island should be heard as to the division of South Africa.

Regarding the claim of the province of Ontario, Manitoba takes the strong position that the boundaries of that province were, and were intended to be, permanently and irrevocably fixed and settled, by the judgment of the Privy Council, by Acts of the parliament of Canada, and province of Ontario, and by the Imperial Act hereinbefore set forth, and that, therefore, the boundaries of that province cannot be extended. The territory embraced within Keewatin never formed a part of old Canada, and no possible valid claim of Ontario to any part of that territory is warranted or justifiable. In addition, the present boundaries of Ontario already extend to, and border on, James bay, so that that province has, which Manitoba has not, an Atlantic seaport communication by way of Hudson bay and the Hudson bay straits.

Moreover, in any event, the claim of the province of Ontario, respecting the acquisition by that province of any part of the Keewatin territory, is objected to and disputed on the broad ground of fairness and right. What right has that province, or any other of the provinces of old Canada, to have their territory added to at the expense and to the detriment of the province of Manitoba, or to be consulted in the disposition of the reasonable and long standing request of Manitoba for increased stature so as to place it on something like as fair a basis in the matter of territorial extent as Ontario, Quebec and the provinces of the west?

It must not be lost sight of that Manitoba, though its people and government, has contributed very largely to the development of the territory to the west and other territory contiguous to its limits; that it has stood the brunt of pioneering for years, and any attempt at the present time to tamper with its honest endeavours to expand, is unjust and ought to be manifest to all.

The allegations contained in the Dominion Order in Council of March, 1905, hereinbefore set forth, that '*the present Ministry desire to promote the welfare and development of the province of Manitoba in every way compatible with their obligations towards the other provinces of the Dominion*' almost appear to be meaningless, viewed in the light of the treatment extended to Manitoba by the Ottawa authorities for some years in the matter of the extension of her boundaries, and in other respects. Was it promoting the welfare of the province of Manitoba to set up for Quebec, Ontario and Saskatchewan, that those provinces should lay claim to the territory over which Manitoba had exercised *quasi* jurisdiction for years, and in which almost annually since 1881 an extension of the boundaries of Manitoba had been asked for? Was it assisting Manitoba to accomplish this result by the passage of an order in



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council on July 24, 1905 (four days after the prorogation of parliament and after the Act to amend 'The Northwest Territories Act,' which excluded Keewatin from the Northwest Territories, had been assented to), providing, on the grounds of expediency, that the district of Keewatin should be again annexed to and made subject to the same government and laws as the Northwest Territories? Decidedly not, it is maintained; on the other hand, it is apparent that a further obstacle was created in the way of Manitoba procuring the extension of boundaries asked for.

It is submitted that a somewhat strained interpretation was given to the provision of the Keewatin Act, under which this order in council was passed. No altered conditions in the Keewatin territory were, it is alleged, so prominent as to justify such an order; in any event, within four days after parliament had declared that Keewatin should be separate and apart from the Northwest Territories.

It is maintained that the adding of the Keewatin territory to the Northwest Territories and making it subject to the laws thereof, by the method aforesaid, was, in addition to being unnecessary, without the sanction of the parliament of Canada. It is further submitted in this connection that the provision in the Keewatin Act referred to, never contemplated such an act or proceeding whereby the whole area of Keewatin, comprising over 400,000 square miles, should be wholly transferred to and included in the Northwest Territories. The provision of the Keewatin Act only gave the power to the Governor in Council to detach a *part* of said territory, not the *whole* of it, as has been done.

It is contended that Manitoba is entitled to have its application for an extension of boundaries northward considered according to the prevailing conditions at the time of the passage of Dominion order in council, dated March 21, 1905, hereinbefore set out, which declared that '*The Committee are likewise of the opinion that the desire of the province of Manitoba for an extension of the boundaries to the shores of Hudson bay is not an unreasonable one.*'

The province of Manitoba has no right to be called upon in its application for an extension of boundaries, to encounter obstacles and debate questions which did not originally exist, and which, for many reasons, it is desirable should be eliminated from the discussion, and it, therefore, is well within reason for the province to demand at the hands of the Dominion Executive the repeal of the order in council of March 24, 1905, which included the whole of the Keewatin territory within the Northwest Territories and made it subject to the laws prevailing in said Northwest Territories.

We would respectfully point out that notwithstanding the order in council wherein the Dominion Executive express concern for '*the welfare and development of the province of Manitoba,*' and '*that, at a convenient date after the formation of the provinces of Alberta and Saskatchewan, the request of the province of Manitoba for an extension northward be taken up,*' over a year and a half has been allowed to expire; another session of the parliament of Canada has taken place, and nothing whatever has been done towards affording that justice to the province of Manitoba in the premises to which it is entitled.

It is, moreover, pointed out that subsequent to the above quoted expressions of the Privy Council of Canada, another memorial, authorized by the legislature of Manitoba, was forwarded to the Secretary of State of Canada in the month of March last—six months ago—and, up to the present time, no acknowledgment has been received.

It is further to be noted that in the said order in council of March 21, 1905, it is admitted that the request of the province of Manitoba for an extension of the boundaries is not new, and that more than twenty years ago the province had addressed a memorial to the Governor General in Council embodying this request. The order in council says, as follows:—

'March 21, 1906.

'The Committee of the Privy Council have had under consideration a memorial dated January 19, 1905, from the provincial government of Manitoba, praying for an



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extension of the boundaries of the province westward to include a portion of the present districts of Assiniboia and Saskatchewan, and northward to Hudson bay.

‘The Committee observe that this request is not new, and they wish to recall that more than twenty years ago the legislature of Manitoba addressed a memorial to the Governor General in Council embodying several petitions, one of which related to the extension of the boundaries of the province in a westerly direction.’

The practicability of the Hudson bay and straits has long ago been established, and the benefit to Manitoba to have a seaport (which can be reached by the construction of 400 miles of railway) with quick and easy communication with Europe has long been maintained and recognized, and is most important to the still further development of the province.

It is claimed that the inclusion in Manitoba of additional territory cannot fail to very largely assist in the settlement of an area at the present time in a quiescent and dormant condition.

The province of Manitoba maintains, as the truth is and the facts warrant, that it has not received at the hands of the federal authorities that fair, open and just treatment respecting the premises it had a right to expect and is entitled to as a constituent part of the confederation of Canada, or that is calculated to best promote and cement the unity of the Dominion as a whole.

*COPY of a Report of a Committee of the Executive Council, approved by His Honour the Lieutenant Governor, on October 30, 1906.*

The Honourable the President of the Council submits for consideration of Council the following, in further support of the claims of the province for an extension of boundaries:—

It is submitted that the passage of the Keewatin Act by the parliament of Canada in 1876, whereby a portion of the Northwest Territories, north and east of Manitoba, was detached and created a separate district, was merely a provisional arrangement pending the settlement of the true limits of the province of Ontario, and that the intention was, when such settlement should occur, to enlarge the boundaries of the province of Manitoba. In support of this contention the following is quoted from the remarks of the Hon. Mr. Mackenzie in introducing the Keewatin Bill in the House of Commons in 1876. Mr. Mackenzie said:—

‘We find that there is likely to be a good deal of inconvenience from the Northwest Territories, including all that portion of our country east of Manitoba and west of the boundary of Ontario. The province of Manitoba wishes to increase its boundaries northward, westward and eastward; but, until the question is decided as to where the limits of Ontario may ultimately be fixed, it is impossible to take any steps towards enlarging the boundaries of that province without the risk of having it reconsidered at the very next session. *As soon as the boundary between the Dominion and Ontario is settled in that quarter the probability is that Manitoba will have its limits enlarged.* The government of that province have sought to have its boundaries enlarged at the present time, but we felt it would be inconvenient to have this done in the east at the present time without knowing the precise place to where we would go. *This is simply a provisional arrangement which will come to an end as soon as we have the boundary settled. The Bill is only temporary in its character.*’

It is further pointed out that the intention of the Keewatin Act, at the time of the passage thereof, was to place the administration of the affairs of the Keewatin Territory in the meantime practically in the province of Manitoba, through its Lieutenant Governor, without intervention. Mr. Mackenzie said:—

‘I have thought it advisable on the whole, to detach a portion of the country immediately to the north and east of Manitoba, from the Northwest Territories proper, and to have its affairs administered by the Lieutenant Governor of Manitoba without the intervention of any council and without incurring any expense whatever. The intention is simply to appoint the Governor of Manitoba to govern the territory



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immediately east and north of the present province—to detach, in other words, all that portion known as the Northwest Territory east of Manitoba and Lake Winnipegosis, and to create a new territory, which shall in the meantime be governed by the Governor of Manitoba. It is uncertain when we may have the boundary on the west and east side of Ontario determined. The boundaries of the Northwest Territories on the east are equally uncertain, and it is considered desirable, in the interest of the good government of the country, that we should have this arrangement made. As soon as the western boundary of Ontario is determined, and if the province of Manitoba take no action for the enlargement of the boundaries of that province, another arrangement may be made.’

It is therefore manifest that the creation of Keewatin was merely for a temporary purpose, and that the intention was to place the administration of affairs therein in the province of Manitoba, through the medium of the Lieutenant Governor, until the true boundaries of Ontario were ascertained, and then to extend the boundaries of Manitoba. In no stage of the proceedings was it ever intimated, claimed or suggested, that any part of the said territory should be included in the province of Ontario.

Between the period of the passage of the Keewatin Act and the Act of 1881, extending the boundaries of the province, the claim of the province for increased area was continuously urged upon the federal authorities; it was stated to be problematical as to when the boundary dispute between Ontario and the Dominion would be determined, and that this should not be a bar to the much needed expansion of Manitoba.

Accordingly in the year 1881 the parliament of Canada enlarged the limits of the province to comprise 154,411 square miles, 39,000 square miles of which was in the disputed territory claimed by Ontario, and over 40,000 square miles thereof in the Keewatin District, east of Manitoba and north of the Albany river, and undisputed by Ontario. Objection was taken by the province of Ontario to the inclusion within the limits of Manitoba of any part of the disputed territory, and the same formed the subject of voluminous correspondence between the province of Ontario and the government of Canada. The first communication on the subject was addressed by the Lieutenant Governor of Ontario to the Secretary of State in March, 1881, pointing out the objections of the province of Ontario, and requesting that the extension of Manitoba eastward be left until it was decided that the territory did not belong to Ontario. In this same communication the following statement appears:—

‘So far as the territory to be comprised within the limits of the province of Manitoba is clearly and indisputably within the jurisdiction of the parliament of Canada, my government rejoice at the extension of that province, as affording a wider scope for the energies of its people and government, and as giving to a large number of settlers in Keewatin and the Northwest Territories the direct benefits of provincial and municipal government. But while the extension of the boundaries, in directions as to which there is no dispute, is a matter of congratulation, the terms in which the new eastern boundary of the province is described in the Bill appears to my government to call for an earnest and vigorous protest on behalf of the province of Ontario.’

In a subsequent communication from the Lieutenant Governor of Ontario to the Secretary of State, under date February 18, 1882, the following appears:—

‘With reference to your observations on the enlargement of the boundaries of Manitoba by the Act of last session, this government has made no complaint of the extension of that province by the addition to it of undisputed territory. On the contrary, in my despatch of March 15 last, it was observed that “so far as the territory to be comprised within the limits of the province of Manitoba is clearly and indisputably within the jurisdiction of the parliament of Canada, my government rejoice at the extension of that province, as affording a wider scope for the energies of its people and government, and as giving to a large number of settlers in Keewatin and the Northwest Territories the direct benefit of provincial and municipal government. But while the extension of the boundaries, in directions as to which there is no dispute, is matter of congratulation,” the transfer of the disputed territory to that province was strongly objected to, for reasons therein set forth.’



## SESSIONAL PAPER No. 64a

On March 9, 1882, the following appears in a resolution adopted by the Ontario legislature:—

‘That the extension of Manitoba, by the federal Act of last session, receive, so far as the territory added is undisputed, the hearty approval of the inhabitants of Ontario.’

In a report of the Attorney General of Ontario, Sir Oliver Mowat, to the Lieutenant Governor of that province, dated September 29, 1883, the following appears:—

‘The province of Manitoba has been, and must always be, regarded with much friendly interest in Ontario.

‘When, in 1870, the Bill for the formation of the province was before the parliament of Canada, it had the support of Ontario members of all parties.

‘When, in 1881, the government of the Dominion proposed to extend the narrow limits at first assigned to the new province, and to add to it 91,000 square miles of the undisputed territory, besides certain territory to which Ontario claimed title, the Lieutenant Governor of this province in a despatch to the Secretary of State, put on record the observation that “so far as the territory to be comprised within the limits of the province of Manitoba is clearly and undisputably within the jurisdiction of the parliament of Canada my government rejoice at the extension of that province, as affording a wider scope for the energies of its people and government, and as giving to a large number of settlers in Keewatin and the Northwest Territories the direct benefits of provincial and municipal government”

‘So, after the passing of the Act, the Legislative Assembly of this province, by a resolution passed on March 9, 1882, on the motion of the undersigned, declared “That the extension of Manitoba by the Federal Act receives, so far as the territory added is not in dispute, the hearty approval of the inhabitants of Ontario.”

It is stoutly submitted that the foregoing shows conclusively:—

*First.*—That the constitution or formation of the District of Keewatin was for temporary purposes only, and with the view of ultimately embracing a large area thereof within the province of Manitoba, and—

*Secondly.*—That the province of Ontario, up to the time of the communication of Mr. Whitney to Sir Wilfrid Laurier, on March 2, 1905, claiming consideration for Ontario in any division of the Keewatin territory, never made any claim to any part of said territory, but, on the other hand, heartily approved and rejoiced in the extension of the boundaries of Manitoba in the undisputed area of Keewatin.

It is pointed out in support of the claims of Manitoba for further territory that the province of Ontario has been increased in area since confederation from 109,480 to 260,862 square miles, and Quebec from 193,355 to 351,873 square miles, while, as the result of the boundary decision in 1884, Manitoba has at the present time, 80,679 square miles less than was given to it in 1881, over twenty-five years ago; and further that the provinces of Alberta and Saskatchewan have each been given, approximately, 175,000 square miles of area more than Manitoba, notwithstanding that Manitoba has a population greatly in excess of either of those provinces.

In the year 1881 the province of Manitoba, with a population of 62,260 was deemed entitled to an increase of boundaries, and, it is submitted, and cannot be denied, that at the present time the justice of the claim for increased area is immeasurably augmented.

Upon the discussion of the Boundaries Bill in 1881, Mr. Blake said:—

‘I am not opposed to an extension of the limits of the province of Manitoba. I believe it to be extremely important that a province with a very small population should not be entrusted with an area inordinate, relatively to its existing population. But none of these considerations, to my mind, lead to the conclusions that we ought to hesitate in enlarging the boundaries of Manitoba.’

It requires no enlargement to demonstrate that the opinion of Mr. Blake in 1881, that there should be no hesitation in enlarging the boundaries of Manitoba, has increased a thousand fold in 1906; even to the extent of justifying the statement that without such enlargement Manitoba cannot be deemed or designated other than the dwarfed province of confederation.



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It is pointed out that both before and after the increased area given the province in 1881, further extensions were asked for. In reply to a request in 1884 for an extension westward and northward, the Privy Council of Canada, in a minute of Council dated April 1, 1884, declined to accede to the request, largely on the ground that the enlargement asked for would add 180,000 square miles to the province (the boundary eastward had not then been determined, and hence it was assumed that the territory given to Manitoba to the east and north, lost to Manitoba by virtue of the award, was in fact possessed by Manitoba), and there is the strongest probability that had the true area of the province only been then what it is to-day, 73,732 square miles, the extensions asked for would have been favourably viewed by the federal authorities.

This fact, together with the further one, that by reason of the boundary award Manitoba lost over 80,000 square miles of territory, constitute the strongest of reasons that the loss of territory thereby sustained should be made up to the province and supplemented by additional territory commensurate to the important position of the province as a constituent part of the Dominion of Canada.

A careful examination of the official records shows the claim of the province for enlargement has been incessant, and that the result of all endeavours has been but to increase the area of the province from 13,500 square miles to 73,732, an addition of only 60,232 square miles, notwithstanding the population has increased from 17,000 to, approximately, 400,000 souls, and the fact that Manitoba has become the third largest revenue contributing province to the Dominion exchequer. These truths prevail, and the policy of the federal authorities is not upholding and placing Manitoba on something like as fair a footing as the other provinces, in the matter of area, as is amply merited and the circumstances warrant, is inexplicable.

It is maintained that the claim of the province of Ontario to any part of the Keewatin territory is of the most recent origin, and has no merit or stability whatsoever. As has been shown, that province throughout all the stages of the boundaries dispute conceded and admitted that Manitoba was entitled to undisturbed enlargement in that territory, and was careful both before and after the award of the Privy Council, that the result of the decision would be that a full and final adjustment of the westerly and northerly boundaries of Ontario would ensue.

In support of this latter statement below is given extracts from certain communications of the Lieutenant Governor of Ontario to the Secretary of State:—

‘February 18, 1882.

‘But I am advised that no provisional arrangement would be so satisfactory, or so beneficial, to the development and settlement of the territory, the maintenance of order, and the due administration of justice therein, as the just course of obtaining, without delay, by proper legislation from the Federal Parliament and the Legislature of Manitoba, *the recognition of the award as a final adjustment of the boundaries of this province.*’

‘November 22, 1884.

‘It is desirable that the decision of the most Honourable the Privy Council on the long-pending boundary dispute should be confirmed by legislation at the present session of the Imperial parliament, and it is presumed that a request to that effect by the Dominion government through His Excellency the Governor General, would, if properly communicated, probably facilitate the immediate passing of such an Act.

‘My government, therefore, desire very earnestly to press your government to take without further delay, the necessary steps for this purpose, if these have not been already taken. You are aware that their Lordships of the Judicial Committee of the Privy Council reported to Her Majesty their opinion, “that it was desirable and most expedient that an Imperial Act of Parliament should be passed to make their decision binding and effectual.”’



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‘I take this opportunity of saying that I would be glad if your government would consent to the whole northerly boundary being included in the Act. I think that the Dominion government will agree with mine, that the Privy Council, having decided in accordance with the award as respects our westerly boundary and as respects the westerly part of our northerly boundary, the grounds of the decision at which they arrive involve a decision as to the remainder of the northerly boundary, in accordance with the award.

‘May I remind you that the request of my government, communicated in my despatch of January 31 last, that the reference to the Privy Council which this province and the province of Manitoba had agreed on should be extended, *so as to embrace the whole subject of the northerly as well as the westerly boundaries of the province*, was approved of by your government in March last, and communicated to me by your despatch of the 18th of that month. This despatch stated that your government was of opinion “*that it is desirable to settle now and for ever the whole westerly and northerly boundary*, and believes that the case, as it will be presented to the Judicial Committee of the Privy Council, will afford such material as is available for the further purpose referred to.”

‘The case which had been agreed to by the two provinces requested the opinion of the Privy Council as to our westerly boundary only, the same being the boundary between the two provinces; and Manitoba having no interest, did not ask for a decision as to the northerly boundary, except so far as was necessary to determine how far our westerly boundary extended in that direction. A supplementary case was, therefore, shortly afterwards prepared and settled by counsel for the Dominion, with my Attorney General, for the purpose of requesting that the *decision of their Lordships should embrace the whole of our northerly boundary*.

‘The case so settled was sent to your government for confirmation. No action thereon having been taken by your government, the case agreed on between the two provinces in respect to the boundary between them had to be argued before their Lordships in July last, without this supplementary case, counsel of your government taking, on behalf of the Dominion, the leading part in the argument, and with the concurrence of counsel for all parties *their Lordships considered, and decided, not only the westerly boundary, but part also of the northerly boundary of this province*.

‘Rather than have any delay in consequence of the proposal that the Act should include the whole of our northern boundary, my government would prefer that the Act to be passed this session be confined to so much of the northern boundaries of the province as have been expressly decided by their Lordships, leaving the remainder of the northern boundary for future action.

‘It is in that portion of the recently disputed territory, the bounds of which are expressly included in the decision of their Lordships, that settlement has taken place

‘To expedite the matter, *I have had prepared a draft Bill to carry into effect the decision, whether it is to be confined to what the Privy Council has expressly decided, or to cover the whole subject of the northerly as well as westerly boundaries*. I have the honour to inclose a copy of this Bill for the consideration of your government.

‘February 26, 1886.

‘My government are extremely anxious that there should be no further delay in obtaining Imperial legislation confirming the decision of Her Majesty in Council with reference to the boundaries of the province. You will remember that the decision of their Lordships of the Judicial Committee of Her Majesty’s Privy Council was announced on July 22, 1884, and was known in Canada on the same day, and that it was confirmed by Her Majesty in Council on August 11, 1884.

‘One of the questions submitted to their Lordships of the Judicial Committee, with the concurrence of the Dominion government, was “whether, in case legislation is needed to make the decision on this case binding or effectual, Acts passed by the



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parliament of Canada and the provincial legislatures of Ontario and Manitoba in connection with the Imperial Act, 34 and 35 Victoria, chapter 28, or otherwise would be sufficient, or whether a new Imperial Act for the purpose would be necessary ?" With reference to this question, their Lordships stated, "that without expressing an opinion as to the sufficiency or otherwise of concurrent legislation of the provinces of Ontario and Manitoba and of the Dominion of Canada (if such legislation should take place) their Lordships think it desirable and most expedient that an Imperial Act of parliament should be passed to make this decision binding and effectual."

'During the session of the federal parliament last year questions were put in the House of Commons as to the course the government intended to take in the matter, but no answer was given until July 13, being within a few days of the close of the session. The answers then given have been ascertained from the official report of the debates and proceedings of the House of Commons of Canada. It there appears that the leader of the government stated that : "*With respect to the boundary between Ontario and Manitoba there can be no difficulty. The government are quite prepared that an Act should pass for that purpose ; and that there is no chance of there being any Imperial legislation until the next meeting of the Imperial parliament.*" On this statement my government desire to remark that, while the statement may have been correct on July 13 last, they maintain that as between this province and the Dominion the province was entitled both as a matter of right and justice, to have the Act passed as soon after Her Majesty's Order in Council as was consistent with the convenience of the Imperial authorities.

'The right honourable gentleman further stated that the Canadian government in the meantime desire to open negotiations, or rather, to have communication with the province of Manitoba, the province of Ontario and the province of Quebec, for the purpose of settling for ever, not only the boundary between Manitoba and Ontario, which is practically settled, but the northerly boundary of Quebec; and after communicating with these several governments to get from the Imperial parliament, at its next session, some legislation settling these three questions for ever.

'In reference to the reason thus, for the first time, given for the delay which had taken place, and for any further delay which the contemplated negotiations should involve, my advisers observe that the *decision of their Lordships of the Judicial Committee, confirmed by Her Majesty in Council, settled every possible question of boundary between the province of Manitoba and the province of Ontario*, and that there is no dispute as to the boundary between Ontario and Quebec.

'As to the northern boundary of Ontario, or so much of it as is not included in Her Majesty's Order in Council, I had the honour to submit a proposal in a despatch of November 22, 1884, and I have had no communication from your government on the subject since. I also transmitted the draft of an Imperial Act for the consideration of your government, for the purpose of confirming the decision. I now inclose another form of such an Act, which would be acceptable to my government, and I would be glad to know whether your government approve of it, or what other form they desire.

'The Imperial parliament being again in session, and the matter not being one which will involve any discussion or delay there in case the two governments concerned agree as to the proper Bill, I earnestly hope that your government will not any longer postpone settling with my government the form of the Act, and transmitting it to the proper quarter in England.

'*I shall be glad if the Bill so to be settled and transmitted should embrace the whole northern boundary of the province.*'

The foregoing shows conclusively, coupled with the corroborative provisions of the Imperial Act in 1889, that both the western and northerly limits of Ontario were intended to be, and were in fact, fixed and irrevocably determined, as they are to-day.

It is true that the division or disposition of the Keewatin territory is within the competency of the parliament of Canada, but, it is submitted, that the boundaries of the province of Ontario having been determined, as hereinbefore set forth, and the



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said territory having never formed part of old Canada (being acquired from the Hudson's Bay Company by surrender in the year 1869) that that province is, in no sense, entitled to participate therein.

It is further submitted, apart from the evident intention of the federal authorities in 1876, at the time of the passage of the Keewatin Act, to ultimately extend the boundaries of Manitoba to comprise a large portion of Keewatin, if not the whole of it, that the province of Manitoba has strong claims to that end by reason of the fact that for centuries it was only through this territory, by way of Hudson bay, that all means of communication of the Red river settlement, to and from the outside world, was possible. In 1811 and 1812 the Lord Selkirk settlers to the Red river settlement came by way of Hudson bay. All the Hudson's Bay Company's officers and servants and many missionaries from Europe came out annually by this route, those for the Southern Department debarking at Moose Factory or James bay. All supplies for the northern trade and the Red river settlement came by this way. All produce of the country was shipped by way of Hudson bay.

In 1846, some four hundred troops of the Old Sixth Regiment of Foot landed and were taken by York boat to Red river. In 1848 they returned to England by the same route.

In 1848 and 1849, detachments of pensioners came out by Hudson bay proceeded to Red river by York boat. A number of them afterwards remained in the settlement.

In 1854, the bulk of these pensions went home by way of Lake Winnipeg and Hudson bay.

In 1857, several companies of the Royal Canadian Rifles arrived at York Factory and reached Fort Garry the same season. After two years' residence in the settlement, they returned by the same route by which they came out.

Many more instances might be given, but sufficient is adduced to demonstrate that what is now Manitoba has always been particularly identified with Hudson bay and the intervening territory, which conditions, it is maintained, do not prevail as regards the province of Ontario.

It is further submitted that the development of and administration in the Keewatin territory can be best secured by the province of Manitoba than by either of the provinces of Ontario and Saskatchewan. The seat of government of Ontario is far removed from the locality and, geographically, Manitoba is in a much better position to promote and advance the welfare of the territory than the province of Saskatchewan. In addition, both those provinces have, at the present time, limits and extent abundantly sufficient to tax their energies and capabilities, and it would be unwise to further increase their responsibilities. As Mr. Blake said:—

‘I believe it to be important that the provinces should not have too great an area. I believe it to be, also, extremely important that a province, with a very small population, should not be entrusted with an area, inordinate, relatively, to its existing population.’

Regarding the claim of the province for an extension northerly and as evidencing the fact that the province has for many years had a vital interest in this respect and the procuring of connection with the waters of Hudson bay, it is pointed out the construction of a line of railway with that object was projected by the province and formed the subject of agitation as far back as the year 1884. In a communication addressed to the Secretary of State, under date January 29, 1884, Mr. Norquay said as follows:—

‘While on the subject of the extension northward, I would further draw your attention to the fact that while the people of Manitoba look forward with delight to the early completion of the Canadian Pacific Railway, and regard to same as an inter-provincial necessity, they are highly impressed with the belief that a railway northward to a port on the Hudson bay is to them a matter of much importance that they feel justified in pressing on the government the expediency of sending out an exploratory expedition as soon as practicable, with a view of ascertaining the times best adapted for the navigation on the bay and strait.’



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Mr. Greenway, in an address delivered in the legislature of Manitoba on April 2, 1884, said:—

‘Some monthes ago, in addition to all previous representations made to Ottawa, we made out a strong case in favour of the extension of the provincial bounds, so that we would be enabled to aid and control the projected Hudson Bay Railway—a road which the people unanimously desired, and which was of the utmost consequence to the prosperity of the province.’

The importance of the construction of the line became so prominent that the parliament of Canada, by Act passed in the same year (1884) section 7 of chapter 25, authorized the aiding of the construction of the said line by a land grant of 6,400 acres a mile within the province, and 12,800 a mile without the province (the Keewatin territory), and the province, on May 21, 1886, also agreed to substantially assist the undertaking. The construction of the road was commenced by the company incorporated for the purpose in the year 1886, and forty miles thereof actually completed, and the province paid to the company, chartered to construct the said line, by way of bond issue, the sum of \$256,000. The land grant, however, of 6,400 acres a mile for the part constructed was not handed over by the Dominion authorities owing to some question arising as to the manner in which the work had been constructed by the company.

This, it is submitted, is sufficient to indicate that the desire of the province to obtain an extension of boundaries northerly, to afford communication with Hudson bay, is not of recent origin, but, on the contrary, one of long standing, and paramount to the claims of any other province or provinces, in this respect, and therefore, should be considered and dealt with by the federal authorities separate and apart from any later day claims or pretensions.

It is maintained and urged, in addition to the *réasons* before stated, that the province of Saskatchewan is not entitled to and should not be given, an extension of limits in the Keewatin territory. Unlike Manitoba, the former Districts of Assiniboia, Saskatchewan and Athabasca, out of which the province of Saskatchewan was formed, never had any connection with the District of Keewatin, and it is difficult to conceive upon what logical ground the claim is based. Respecting that portion of the former districts referred to, not included in the province of Saskatchewan in 1905, lying north of Lake Winnipegosis and Lake Manitoba, and now forming part of the Northwest Territories, it is submitted that the same should be given to Manitoba for the following reasons:—

1. To preserve geographical symmetry.
2. It forms part of the territory in which Manitoba has asked an extension of boundaries for over twenty-five years.
3. The same conditions set forth by the Privy Council in the minute of March 21, 1905, as reasons why the boundaries of Manitoba could not then be extended westerly, do not apply at the present time with equal force to said territory, in that, the population contained therein is extremely sparse, unlike the strip of territory in the province of Saskatchewan immediately to the westward of the boundary of Manitoba.
4. It should be given to Manitoba, to slightly compensate it for the failure to further extend the boundaries of the province westerly in 1881, as to which the Privy Council in the minute of Council of March 21, 1905, said: ‘When the addition was made to the province of Manitoba of what is known as the “added territory,” in the year 1881, there existed no serious obstacle to the extension of the boundary of Manitoba at that time from one to two hundred miles further westward—and, lastly, and for the greatest reason:—
5. The constituted representative authority of the Northwest Territories, the legislature thereof, prior to the time of the creation of the province of Saskatchewan by the parliament of Canada, in 1905, and defining its limits and extent, solemnly declared that as to said territory, north of Lake Winnipegosis and Manitoba, it had no concern, and that said territory might be given to Manitoba. This statement of fact was corroborated by Sir Widfrid Laurier in his autonomy speech in the House of Commons in February, 1905. He then said:—



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‘But there is another consideration. For my part, I am prepared to give a full hearing to the province of Manitoba. When that province asks to have her limits extended westward, I am bound to say that we cannot entertain that prayer, for this simple reason, that the territories, through their legislature, have passed upon it, and have pronounced against it. *But I understand that as to a certain portion of territory north of Lake Winnipegosis and Lake Manitoba, the Northwest legislature has declared that it has no pronounced views, and that that might be given to the province of Manitoba.*’

The province of Manitoba has consistently claimed and asked for a further extension of boundaries for over twenty-five years, and strongly protests against the proposed action of the federal authorities in intruding other parties into the consideration of the said matter, and cannot, under the circumstances, regard this step other than an act of direct antagonism and hostility to the interest and rights of the province of Manitoba.

It is respectfully submitted that full and substantial justice should be forthwith accorded to the province of Manitoba respecting the premises. The rights of other provinces have heretofore been independently considered by the federal authorities, and Manitoba should be afforded treatment of like liberality. Manitoba has now reached a stage in its history that it is essential that facilities should be provided for expansion. A continuation of present conditions is neither fair to the province nor creditable to the Dominion. The province desires no advantage, but simply that it be extended fair and reasonable treatment; it will not be satisfied with less.

On the recommendation of the honourable the minister, the committee advise:—

That a copy of this report be forwarded to the Secretary of State of Canada in further support of the claims of the province for an extension of boundaries.

Certified,

C. GRABURN,  
Clerk, Executive Council.



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MEMORANDUM SUBMITTED ON BEHALF OF THE PROVINCE OF ONTARIO WITH REFERENCE TO THE CLAIM OF THE PROVINCE OF MANITOBA FOR AN EXTENSION OF BOUNDARIES, AND WITH REFERENCE TO THE QUESTION OF EXTENDING THE LIMITS OF THE OTHER PROVINCES.

IN THE MATTER OF THE APPLICATION OF THE GOVERNMENT OF THE PROVINCE OF MANITOBA FOR AN EXTENSION OF THE BOUNDARIES OF THE PROVINCE NORTHWARD TO THE HUDSON BAY.

The attention of the government of Ontario was first directed to the question of the proposed extension of the boundaries of Manitoba by a number of statements which appeared in the public press during the month of February, 1905, the tenor of which statements is indicated in the letter of March 2, 1905, from the Prime Minister of Ontario to the Prime Minister of Canada, as follows:—

TORONTO, March 2, 1905.

‘The Right Honourable  
‘SIR WILFRID LAURIER,  
‘Ottawa.’

‘DEAR SIR WILFRID LAURIER,—

‘I have noticed several statements in the press of the province during the past week referring to an alleged proposed division, by the Dominion among the provinces, of the territory lying to the south and west of James bay and Hudson bay, and known as the territory of Keewatin.

‘Presumably the province of Ontario should be entitled to a large portion of this territory, and should be heard with reference to any proposed division of it.

‘Assuming that such a division is in contemplation, I respectfully and earnestly urge upon you that before the details of such division be decided upon, or even considered, the province of Ontario be allowed to submit to the Dominion government, for consideration with reference to such proposed division, its claims to that portion of such territory as it may fairly urge should be allotted to it.

‘Yours faithfully,

J. P. WHITNEY.’

To this letter the following reply was received, dated Ottawa, March 4, 1905.

‘Hon. J. P. WHITNEY,  
‘Toronto.’

‘MY DEAR MR. WHITNEY,—

‘I have the honour to acknowledge the receipt of your favour of March 2. You have anticipated the action which I intend to take. The province of Manitoba has asked us to have its territory extended to Hudson bay. It seems to me that this is a matter in which the province of Ontario might have an interest. I will ask the Secretary of State to send you an official copy of the claim of Manitoba. In the meantime, I send you one under cover.

‘Yours respectfully,

WILFRID LAURIER.’

In introducing in the House of Commons, on February 21, 1905, the Northwest Autonomy Bills, Sir Wilfrid Laurier spoke as follows:—



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‘But, sir, there is another demand of the province of Manitoba which, I think, is entitled to fair consideration. Manitoba has asked to have her territory extended to the shores of Hudson bay, and this is a prayer which seems to me entitled to a fair hearing. But the province of Manitoba is not the only one whose territory could be extended to the shores of Hudson bay. The province of Ontario would have the same right; the province of Quebec would also have that right, and the new province of Saskatchewan would have an equal right to have her territory extended to the shores of Hudson bay. Therefore, in the project we have to present to the House to-day, instead of including in the province of Saskatchewan that portion of territory lying north of Lake Winnipegosis and Lake Manitoba, we propose to leave that outside to be included neither in Saskatchewan nor in Manitoba, but to be dealt with at some future day. And I may say at once that I have the authority of my colleagues to make the announcement that we propose to invite the province of Ontario, the province of Quebec, the province of Manitoba, and the province of Saskatchewan to meet us here to decide whether or not it is advisable that the limits of any of these provinces should be extended to the shores of Hudson bay, and, if so, in what manner it should be done.’

It will be observed from the above correspondence and statements that something more than the extension of the boundaries of Manitoba was understood to be involved.

The province of Ontario is represented here to-day in pursuance of the above understanding. The province of Ontario is interested in the extension of the boundaries of Manitoba northward to Hudson bay, in that it seems to be fair and reasonable that there should be such an extension, and also because such an extension can only be brought by turning over to that province a portion of the territory of the Dominion contiguous to Ontario.

For reasons, which a study of the map will suggest the province of Ontario does not feel called upon to offer any observations as to the proposed extension of the boundaries of the province of Saskatchewan.

Nor does the province of Ontario feel called upon to enter upon a detailed consideration of all the questions apparently at issue between the government of Canada and the government of the province of Manitoba, and which are set out at length in the memorandum furnished by that province; such questions, with a few exceptions, having apparently no bearing upon the position taken by the province of Ontario in this discussion.

The undersigned, on behalf of the province of Ontario, therefore submit :

1. That in their opinion the boundaries of Manitoba should be extended northward so as to take in Fort Churchill.
2. That they do not care to discuss any question of the alteration of the boundaries of Saskatchewan.
3. That in order to carry out the suggestion in paragraph 1, the eastern boundary of Manitoba should be produced northward until it strikes the Churchill river: that the middle of the channel of the said river should then become the boundary until the river debouches into Hudson bay.
4. That the remainder of the territory of Keewatin lying to the eastward of such boundary line be allotted to the province of Ontario.

With reference to the above, and to the statements contained in the memo. presented by Manitoba, the undersigned offer the following observations:—

We assume that the desirability of the extension of the boundaries of Manitoba northwards to Hudson bay will meet with no objection from any source, and the whole question then becomes one of delimitation. In considering this we must touch in a general way upon a few of the contentions of Manitoba as set out in the memorandum offered on behalf of that province.

It is submitted that there is no warrant for alluding to territory as having been ‘given to Ontario by the award.’ The award was declaratory of what had been the westerly boundary of New France, and therefore of what had always been the western



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boundary of Upper Canada. It did not annex anything to Ontario, nor take anything away from Manitoba. For similar reasons there seems to be no warrant for suggesting that territory which never belonged to Manitoba should be restored to Manitoba. Before anything can be 'restored' it must have been lost or taken away, and before it could have been lost or taken away it must have been the property of the loser.

We are unable to understand the process of reasoning by which it is argued that the boundaries of Ontario were 'permanently and irrevocably fixed and settled' so that the province could not receive an addition to her territory from the Dominion of Canada. Surely the boundaries of Manitoba were not 'permanently and irrevocably fixed and settled' in 1871, nor in 1884. It seems unnecessary to suggest that the dispute which resulted in the settlement of the Ontario boundary was, as far as the northern boundary is concerned, between that province and the Dominion of Canada alone, and as between them is final and irrevocable unless and until changed by the two parties interested, and it is indeed, admitted on the part of Manitoba that 'the division or disposition of the Keewatin territory is within the competency of the parliament of Canada.'

The undersigned desire to draw attention to the fact that between the years 1881 and 1905, the government of Manitoba placed on record in a number of public documents the desire of that government for the extension of the boundaries of the province; that in all of such papers, with one or two exceptions which will be immediately referred to, the desire of the province was expressed for an extension westward and northward to Hudson bay. In one, or perhaps more of these deliverances, the desire was expressed for an extension 'northward to the Hudson bay and westward to the 102nd meridian.' On the 12th day of February, 1884, the late Honourable John Norquay submitted to the Dominion executive certain proposals, using the following language with reference to the boundary question: 'That the boundaries of the province of Manitoba be extended northward, so as to include Fort Churchill on the Hudson bay and westward to the 102nd meridian.'

Not until the year 1905 was there any assertion or even suggestion in any public document or governmental deliverance of any desire or expectation on the part of Manitoba that its boundaries should be extended to the eastward as well as the northward. The first mention of that intention is to be found in the letter dated February 23, 1905, from the Hon. Messrs. Rogers and Campbell to the Prime Minister of the Dominion.

A reference to the public documents and other deliverances to be found and quoted in the memorandum submitted by the government of Manitoba for discussion here proves conclusively the accuracy of the above statement and the phraseology used by Mr. Norquay to be found on page 4 of the claim shows what the specific desire and intention of the province was, viz., that the boundary should be extended northward so as to include Fort Churchill—the reason being that, as is well understood, Port Churchill was the only harbour entitled to the name on the Hudson bay.

The undersigned therefore suggest that up to the time of the creation of the new provinces of Saskatchewan and Alberta, the attention of Manitoba was fixed upon the desirability of obtaining an extension of territory to the west, so as to include a large area of very productive land, and also northward to obtain Fort Churchill on the Hudson bay, and the fact that the province is now shut out from extension westward may perhaps not unnaturally have created a desire for obtaining additional territory in another direction.

The undersigned have thought it desirable to collect as much information as possible as to the shores of James bay, and of Hudson bay as far northward and westward as Port Churchill, and the information collected by them consisting of extracts from various reports made by people from actual observation and exploration shows clearly that Port Churchill is the only port on Hudson bay and the only locality or spot at which a port can be created. As to this we suggest a reference to the memorandum on this subject hereto annexed marked 'A.'



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The claim, or perhaps apparent claim—as we are not clear that a substantial claim is advanced—that Manitoba acquired jurisdiction—quasi or otherwise—over the territory of Keewatin by the working of the Keewatin Act does not seem to call for comment on the part of the undersigned.

With reference to the effect of the proposed addition on the area of the province, the undersigned desire to point out that if the boundaries of Manitoba are 'extended northward to Hudson bay so as to include Fort Churchill' and the province is given the territory as far north at least as the 60th parallel of latitude, the area of the province will then become about three times what it is at present; in other words, about 220,000 square miles.

While the fact that the province of Manitoba has been unable to extend its boundaries to the westward may be a matter for regret, it is a question which, in our opinion, having regard to the matters now under consideration, does not call for comment from us.

For the reasons above imperfectly set forth the province of Ontario desires to join in the request that the boundaries of Manitoba be extended northward to Hudson bay in the manner above indicated by producing the eastern boundary northward until it strikes the Churchill river, and then following the middle of the channel of the said river until the latter debouches into Hudson bay, and that the territory of the province be extended as far north, at least, as the 60th parallel of latitude, and that for geographical and other reasons the remainder of the territory of Keewatin lying east of the suggested eastern boundary of Manitoba contiguous to Ontario and bounded on the north and east by Hudson bay and James bay be allotted to the latter province.

J. P. WHITNEY.

J. J. FOY.

A. J. MATHESON.

TORONTO, November 9, 1906.

P.S.—Since preparing the above statement, we have received a copy of the supplementary statement on behalf of Manitoba.

After considering it, our conclusion is that it does not call for further observations on behalf of the province of Ontario.

J. P. W.

J. J. F.

A. J. M.

Memorandum referred to in the foregoing statement marked 'A.'

A glance at the map will show that the western coast of Hudson bay possesses a singularly unbroken front. There are no indentations, bays or fiords. In this respect it presents the greatest possible contrasts with our Atlantic and Pacific coasts. On the Hudson bay coast there are no openings of any kind except the mouths of the rivers.

None of those rivers except Churchill harbour can be entered by vessels drawing more than 10 or 11 feet, and only at high water even by them.

The northerly boundary of Ontario is the Albany river. In 1886 Mr. Bell, of the Geological Department, explored the country between the Albany and the Attawapishkat. He describes the mouths of the rivers as shallow and the shores of James bay between them as extremely low. When the tide is out, reefs of boulders and stones stretch out to sea as far as the eye can reach. He had to go out of sight of land in his canoe in order to get round into the Albany river.

Mr. Dowling, of the Geological Department, states that the mouth of the Albany is shoaly.

The next river going north is the Ekwan. Of this Mr. Dowling says that the shore for a long distance is flanked by high gravel bars, and at low tide a broad belt of mud spreads out for several miles.



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South of Cape Henrietta Maria, the shore is described by Mr. Dowling as shallow and muddy.

In the 1902 Geological Report there is a record of reconnaissance surveys of several of the smaller rivers lying between the Albany and Attawapishkat. None of them is described as possessing the slightest approach to a harbour. They describe the coast generally in such terms as to show that there cannot possibly be a harbour there. They say: 'The most noticeable feature of the west coast of James bay is its extreme flatness. Looked at from a distance there is no distinct shore line, but the water and land seem to merge into one another.'

The next considerable river is the Winisk. Mr. Wm. McInnes, of the Geological Survey, explored this river in 1903. He describes its mouth as follows: 'The estuary and neighbouring parts of Hudson bay are quite shallow. The receding tides, though having a fall of only six feet, leave a wide margin of mudflats studded with large boulders.'

Proceeding north from the Winisk river, the next large stream is the Severn. This river and the rivers between it and York Factory are dealt with in the Geological Report of 1905 (issued in September, 1906). The explorer, Mr. O'Sullivan, says that four good sized rivers intervene between York Factory and Severn, and that his party waded across the mouths of all of them and never had water above their waists at low tide. The ice lingers in the neighbourhood of their mouths till the beginning of August. He was icebound for two weeks of July near Cape Tatnam. He says: 'There is nothing very interesting to be seen along that part of the Hudson bay coast. Nothing but mudflats and boulders looking seaward, and marshes, dunes, ponds and muskegs, bordered by stunted evergreen woods looking landwards.'

Mr. Robert Bell of the Geological Survey, than whom no one knows more from personal observation about Hudson bay, says 'There is no such port as Port Nelson.'

Lieut. Gordon, who was in command of the *Alert* exploration, says the anchorage off Port Nelson is very much exposed. He saw heavy icefields off the mouth of the river late in August. He states distinctly that there is no harbour at the mouth of the Nelson and Hayes rivers, which come in together. The place was named Nelson after a ship captain who died there, and the place being so named on the map led to the belief that there was a port there. York Factory is built on the tongue of land between the Nelson and the Hayes, and it was so located, not because of the existence of any harbour there, but because the Hayes river was the best canoe route into the interior. York Factory is very little used now, the goods formerly going by that route now going by the Canadian Pacific Railway and other routes. When York Factory was used the ships used to anchor in the outer roadstead and discharge their cargo into small vessels. This outer roadstead is ten miles from the nearest land and is out of sight of shore, the land being very low. The roadstead is a very dangerous one, and the channel would have to be buoyed for 27 nautical miles to make it safe. There would also have to be a lightship, which and the buoys, could not be placed out till the middle of August, because of the icefields. Moreover, the channel shifts constantly, which, considering that the Nelson discharges the drainage of the Western prairies, and carries prodigious quantities of mud, is not surprising. Gordon says: 'Delay or disaster would be sure to occur if vessels were to attempt to make this port in any but the finest clear weather.' He says the cost of a harbour at this place would far exceed that of the construction of the additional mileage to reach Churchill. Further, 'I consider the estuary of the Nelson one of the most dangerous places in the world.' While he was anchored there, he kept up steam all the time and had his anchor cable buoyed ready to slip it at any moment. Gordon probably had in mind here a story which is told in McLean's 'Hudson Bay,' about one of the yearly vessels of the Hudson Bay Company, which had just dropped anchor in York Roads when a storm came on which compelled her to let go and bear away back to England.



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Gordon concludes his description of Port Nelson by saying that 'the Nelson river is no port nor would the expenditure of any amount of money make it a desirable place for shipping.'

At the mouth of the Churchill river there is a fine harbour. The geological formation is different from that of the shore farther south, and the coast is of a different character. The river enters the ocean through a deep and comparatively narrow channel which can be entered at all stages of the tide. Gordon found a depth of seven to ten fathom; of four fathom at low water. There is a perfectly sheltered harbour of nearly a square mile in extent with excellent holding ground. 'This harbour is an eminently safe one'; its approaches are well marked and in clear weather the land stands out bold and high, being easily identified at a distance of from ten to twelve miles. This harbour is admirably suited for a railway terminus, the necessary docks could be easily and cheaply built and the deep water basin enlarged at small cost. Stone is lying at the waters' edge ready to be laid into docks and piers and nature seems to have left little to be done in order to make this into a capacious port.

It only remains to be said that the part of the west coast of James bay which is already in Ontario is of the same general character as that already described near the Albany river. The chief place of business is Moose Factory, and of this, Mr. James Johnson, Commissioner of Customs, says: 'This place is not even so good a harbour as York, but like that is a convenient place for trading.'

There appears to be no doubt that the waters of Hudson bay are receding rapidly. Bell's Report, 1877, says that within living memory islands were submerged at high tide which are now several feet above water. He gives several proofs of the rising of the land and says that nowhere is there any evidence of the sea encroaching.



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MEMORANDUM WITH REFERENCE TO THE CLAIM OF THE PROVINCE  
OF SASKATCHEWAN FOR AN EXTENSION OF BOUNDARIES TO  
HUDSON BAY.

CERTIFIED COPY OF A MINUTE OF THE EXECUTIVE COUNCIL OF THE PROVINCE OF SASKATCHEWAN, DATED AT REGINA ON MONDAY, NOVEMBER 5, 1906, AND APPROVED BY HIS HONOUR THE LIEUTENANT GOVERNOR.

The Executive Council advises that the Honourable the President of Council, and the Honourable the Attorney General, be authorized, delegated and empowered, on behalf of the executive government of Saskatchewan, to present to the Honourable the Privy Council for Canada the claim of this province to have the northeastern boundaries of the province extended to Hudson bay by the readdition of those parties of the old provisional districts of Saskatchewan and Athabasca which were temporarily withheld from the province of Saskatchewan upon its establishment, together with that part of the Northwest Territories lying between the Nelson river and the sixtieth parallel of north latitude.

JOHN A. REID,  
Clerk of the Executive Council.

CLAIM OF THE PROVINCE OF SASKATCHEWAN TO HAVE CERTAIN PORTIONS OF THE NORTHWEST  
TERRITORIES INCLUDED WITHIN THE BOUNDARIES OF THE PROVINCE.

The claim of the province of Saskatchewan to that portion of the Northwest Territories lying immediately to the east of the northern part of the province is not based upon mere sentiment, nor is it founded simply upon a desire for territorial extension.

To understand the exact situation, a brief review of the history of the Western Territories of Canada and the establishment of the provinces therein, including the territory now under consideration, may not be inadvisable.

The British North America Act, 1867 (section 146) made provision for the admission of Rupert's Land and the Northwestern Territory into the union, by Her Majesty, upon an address from the Houses of Parliament in Canada, and subsequently on June 23, 1870, an order was made by the Queen in Council, admitting Rupert's Land and the Northwestern Territory into the union. The boundaries of Rupert's Land were never accurately determined, but it was generally understood to comprise the territory watered by streams flowing into Hudson bay and straits, but Rupert's Land and the Northwestern Territory taken together have been defined to be that portion of British America lying north and west of the provinces of Ontario and Quebec, excepting British Columbia.

Prior to the passing of the order in council admitting Rupert's Land and the Northwestern Territory into the union, the parliament of Canada, in anticipation of their admission, passed an Act in 1869 (32 and 33 Victoria, chapter 3) which declared that these territories when admitted should be styled and known as 'The Northwest Territories,' and in which provision was made for the temporary government thereof, the Governor in Council being authorized to appoint a Lieutenant Governor, and empower him to make laws for the peace, order and good government of Her Majesty's subjects therein. In the following year (1870), and a few weeks before the date of the Imperial order in council admitting Rupert's Land and the Northwestern Territory into the union, the parliament of Canada passed an Act (33 Victoria, chapter 3) by section 1 of which a portion of the said territory was formed into the province of Manitoba. The boundaries of the province were as follows—



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Commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude—thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said north-western territory) to the meridian of ninety-nine degrees of west longitude—thence due north along the said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude, thence due east along the said parallel of fifty degrees and thirty minutes north latitude, to its intersection with the before-mentioned meridian of ninety-six degrees west longitude—thence due south along the said meridian of ninety-six degrees west longitude to the place of beginning.

By the said Act (section 35) it was enacted that the Lieutenant Governor of Manitoba should be also, but *in an independent capacity*, the Lieutenant Governor of that portion of Rupert's Land and the Northwestern Territory not included in the province of Manitoba, but in the following year (chapter 16 of 34 Victoria) parliament gave to the Governor General in Council authority to appoint a lieutenant governor for the territories and enacted that 'it shall be lawful for the Governor, with the advice of the Privy Council, to authorize and empower such officer as he may from time to time appoint as the lieutenant governor of the Northwest Territories, to make provision for the administration of justice therein and make laws and ordinances for the peace, order and good government of Her Majesty's subjects and others' in the said territories.

Under the provisions of this last Act the Lieutenant Governor of the Northwest Territories, upon the advice of his Council, made provision for the administration of justice in various parts of the Territories so far back as March, 1873, by the appointment of justices of the peace at (in addition to other points) Moose Factory, Rupert's House, Albany, York Factory, Norway House, East Main, Nelson River, Fort Alexander and James Bay. Some of these places were situated in that part of the territories which has since become the District of Keewatin but which is now a part of the Northwest Territories.

After the erection of a portion of the Northwest Territories into the province of Manitoba the boundaries both of Manitoba and the Northwest Territories remained unchanged until the year 1876. In the meantime, however, the province of Ontario laid claim to a portion of the territory lying east of what is now the province of Manitoba. This claim was disputed both by the Dominion government and the province of Manitoba, and, pending a settlement of the dispute and the fixing definitely of the western boundary of the province of Ontario, the parliament of Canada deemed it expedient to detach from the Northwest Territories that portion of the territory lying between Ontario and Manitoba including the territory which was in dispute and extending along the west side of Hudson bay to the northerly limit of Canada and to form the same into a separate district known as the District of Keewatin. That part of the Northwest Territories formed into the District of Keewatin by 39 Victoria, chapter 21, is described as follows:—

All that portion of the Northwest Territories bounded as follows, that is to say:—Beginning at the western boundary of the province of Ontario on the international boundary line dividing Canada from the United States of America; thence westerly following upon the said international boundary line to the easterly boundary of the province of Manitoba; thence due north along the said easterly boundary of Manitoba to the northeast angle of the said province; thence due west on the north boundary of the said province to the intersection by the said boundary of the westerly shore of Lake Manitoba; thence northerly following the westerly shore of the said lake to the easterly terminus thereon of the portage connecting the southerly end of Lake Winnipegosis with the said Lake Manitoba known as 'the Meadow Portage'; thence westerly following upon the trail of the said portage to the westerly terminus of the same, being on the easterly shore of the said Lake Winnipegosis; thence northerly following the



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line of the said easterly shore of the said lake to the southerly end of the portage leading from the head of the said lake into 'Cedar lake,' known as the 'Cedar' or 'Mossy Portage'; thence northerly following the trail of the said portage to the north end of the same on the shore of Cedar lake; thence due north to the northerly limits of Canada; thence easterly following upon the said northely limits of Canada to the northern extremity of Hudson bay; thence southerly following upon the westerly shore of the said Hudson bay to the point where it would be intersected by a line drawn due north from the place of beginning, and thence due south on the said line last mentioned to the said place of beginning—shall be and is set apart as a separate district of the said Northwest Territories by the name of the District of Keewatin.

Provided always, that the Governor in Council may, by proclamation be published in the *Canada Gazette*, at any time when it may appear to the public advantage to do so, detach any portion of the said district from the same and reannex it to that part of the Northwest Territories not included in the said district and the portion so detached shall then be subject to the same government and laws of that part of the said territories to which it is reannexed.

Attention is called to the above proviso, because some years later (vide proclamation of May 7, 1886, as printed on page XLIX. Dominion Statutes of 1886) the Governor General in Council deemed it to be to the public advantage to detach from the District of Keewatin that part of the above described territory lying between the westerly boundary line as above described from Cedar lake, north to the eighteenth correction line and the Nelson river, and to reannex it to the Northwest Territories from which date until the establishment of the province of Saskatchewan the territory formed part of the provisional district of Saskatchewan, and was under the government and administration of the Northwest Territories.

In the year 1881 (by 54 Vic., Cap. 14) the boundaries of Manitoba were altered and extended and the area of the province greatly increased.

The boundaries were then defined to be as follows:—

Commencing at the intersection of the international boundary dividing Canada from the United States of America by the centre of the road allowance between the twenty-ninth and thirtieth ranges of townships lying west of the first principal meridian in the system of Dominion land surveys; thence northerly, following upon the said centre of the said road allowance as the same is or may hereafter be located, defining the said range line on the ground across townships one to forty-four, both inclusive, to the intersection of the said centre of the said road allowance by the centre of the road allowance on the twelfth base line in the said system of Dominion land surveys; thence easterly along the said centre of the road allowance on the twelfth base line, following the same to its intersection by the easterly limit of the District of Keewatin, as defined by the Act thirty-ninth Victoria, chapter 21, that is to say, to a point where the said centre of the road allowance on the twelfth base line would be intersected by a line drawn due north from where the westerly boundary of the province of Ontario intersects the aforesaid international boundary line dividing Canada from the United States of America; thence due south following upon the said line to the international boundary aforesaid; thence westerly, following upon the said international boundary line dividing Canada from the United States of America, to the place of beginning,' and all the land embraced by the said description not now within the province of Manitoba shall, from and after the passing of this Act, be added thereto, and the whole shall, from and after the said date, form and be of the province of Manitoba.

These boundaries were supposed to extend the limits of Manitoba very much farther east than the present eastern boundary, and were intended to include within that province the western portion of what is now the province of Ontario, that is, the territory which was in dispute. The disputed territory, however, lying south of the Albany river, Lake St. Joseph and Lac Seul, was awarded to the province of Ontario, and the boundaries of that province were fixed and determined, by chapter 28 of 52 and 53



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Vic. (Imperial). This restricted area of Manitoba to some 73,000 square miles. Since the fixing of the western boundaries of Ontario, the boundaries of Manitoba have not been altered.

Before the establishment of the province of Saskatchewan more than once an incipient agitation commenced within the province of Manitoba intended to lead to an extension of the boundaries westward, but the feeling of those residents of the Northwest Territories most effected being so determinedly opposed to the proposition, the movement always subsided. The feeling of the people of the territories with respect to this question was on more than one occasion emphatically set forth in resolutions of the Territorial Legislative Assembly.

## KEEWATIN.

The decision which gave to the province of Ontario the territory south of the Albany river and as far west as the Lake of the Woods, limited the district of Keewatin to the territory lying directly north of the province of Manitoba, and fixed its eastern boundary at a line running north from the western boundary of the province of Ontario. The boundaries of Keewatin have subsequently been altered. Under the authority given by the Keewatin Act to the Governor in Council to detach any portion of the territory from Keewatin and reannex it to the Northwest Territories, whenever it was for the public advantage to do so, the Governor in Council by proclamation, on May 7, 1886, detached that portion of Keewatin lying between Manitoba and the eighteenth correction line and west of the Nelson river, and reannexed that area to the Northwest Territories, and included it in the provisional district of Saskatchewan.

By order in council of October 2, 1895, it was decided that legislation should be introduced into the then next following session of parliament having for its object an addition to the district of Keewatin by the extension of the eastern boundary of Keewatin to take in all the territory lying between the northern boundary of Ontario and Hudson bay. The action contemplated was, however, never taken (vide order in council of December 18, 1897), but by proclamation of July 24, 1905, the whole of the district of Keewatin was reannexed to the Northwest Territories from September 1, 1905 (vide *Canada Gazette* of August 19, 1905).

## THE NORTHWEST TERRITORIES.

By an order in council bearing date May 8, 1882, the districts of Assiniboia, Alberta, Saskatchewan and Athabasca were established as provisional districts out of portions of the Northwest Territories, and were severally declared to be bounded as follows :—

*Assiniboia.*—The district of Assiniboia, about 95,000 square miles in extent, to be bounded on the south by the international boundary line, the 49th parallel; on the east by the western boundary of Manitoba, and on the north by the ninth correction line of the Dominion lands system of survey into townships, which is near to the fifty-second parallel of latitude; on the west by the line dividing the tenth and eleventh ranges of townships numbered from the fourth initial meridian.

*Saskatchewan.*—The district of Saskatchewan, about 114,000 square miles in extent, to be bounded on the south by the districts of Assiniboia and Manitoba; on the east by Lake Winnipeg and the Nelson river flowing therefrom into Hudson bay; on the north by the eighteenth correction line of the Dominion land survey system, and on the west by the line of that system dividing the tenth and eleventh ranges of townships numbered from the fourth initial meridian.

*Alberta.*—The district of Alberta, about 100,000 square miles in extent, to be bounded on the south by the international boundary; on the east by the districts of Assiniboia and Saskatchewan; on the west by the province of British Columbia, and on the north by the eighteenth correction line before mentioned, which is near the fifty-fifth parallel of latitude.



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*Athabasca.*—The district of Athabasca, about 122,000 square miles in extent, to be bounded on the south by the district of Alberta; on the east by the line between the tenth and eleventh ranges of Dominion lands townships before mentioned, until in proceeding northward that line intersects the Athabasca river; then by that river and the Athabasca lake and Slave river, to the intersection of the last with the northern boundary of the district, which is to be the thirty-second correction line of the Dominion lands townships system and is very nearly on the sixtieth parallel of north latitude; westward by the province of British Columbia.

By order in council dated October 2, 1895, the provisional district of Athabasca was declared to be bounded as follows:—

The district of Athabasca, containing 251,300 square miles, bounded on the south by the districts of Alberta and Saskatchewan; on the east by the district of Keewatin; on the north by the thirty-second correction line of the Dominion lands system of survey; and on the west by the province of British Columbia.

In 1898 the provisional district of the Yukon was detached from the Northwest Territories and formed into a separate district under the name of the Yukon Territory and since that time has had a government of its own.

In 1905 the organized portion of the Northwest Territories, that is to say, the provisional districts of Assiniboia, Saskatchewan, Alberta and Athabasca (with the exception of a small portion of the eastern end of the districts of Saskatchewan and Athabasca) were formed into the provinces of Alberta and Saskatchewan, the boundaries of which are as follows:—

*Alberta.*—The territory comprised within the following boundaries, that is to say: Commencing at the intersection of the international boundary dividing Canada from the United States of America by the fourth meridian in the system of Dominion lands surveys; thence westerly along the said international boundary to the eastern boundary of the province of British Columbia; thence northerly along the said eastern boundary of the province of British Columbia to the northeast corner of the said province; thence easterly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the system of Dominion lands surveys as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the point of commencement,—is hereby established as a province of the Dominion of Canada, to be called and known as the province of Alberta.

*Saskatchewan.*—The territory comprised within the following boundaries, that is to say: Commencing at the intersection of the international boundary dividing Canada from the United States of America by the west boundary of the province of Manitoba, thence northerly along the said west boundary of the province of Manitoba to the northwest corner of the said province of Manitoba; thence continuing northerly along the centre of the road allowance between the twenty-ninth and thirtieth ranges west of the principal meridian in the system of the Dominion lands surveys, as the said road allowance may hereafter be defined in accordance with the said system, to the second meridian in the said system of Dominion land surveys, as the same may hereafter be defined in accordance with the said system; thence northerly along the said second meridian to the sixtieth degree of north latitude thence westerly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the said system of Dominion lands surveys, as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the said international boundary dividing Canada from the United States of America; thence easterly along the said international boundary to the point of commencement—is hereby established as a province of the Dominion of Canada—to be called and known as the province of Saskatchewan.

The establishment of the province of Saskatchewan with the above-described boundaries left out that portion of the provisional districts of Saskatchewan and Athabasca of the Northwest Territories lying north of the Manitoba boundary, and these were the only portions of the organized districts not included in the new provinces.



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The territory, the division of which among the provinces is under consideration, comprises that portion of the Northwest Territories which formerly formed part of the provisional districts of Saskatchewan and Athabasca lying north of Manitoba, the territory which was formerly the district of Keewatin, and also the territory lying between the province of Ontario and Hudson bay. In this territory three provinces only are interested, Ontario, Manitoba and Saskatchewan, as these are the only provinces whose boundaries touch the territory under consideration, and the question is, *How should the territory be distributed among the provinces?*

In deciding this question it is submitted that it is necessary to ascertain if any of the provinces have special or paramount claims to any portion of the territory.

The claim of Saskatchewan to that portion of the territory which was formerly part and parcel of the provisional districts of Saskatchewan and Athabasca is, it is maintained, absolute and paramount and no other province has or can have any claim thereto. This portion may be described as follows:—

Bounded on the south by the province of Manitoba; on the west by the province of Saskatchewan; on the north by the thirty-second correction line of the Dominion lands townships system of survey which is very nearly the sixtieth parallel of north latitude; on the east by a line commencing at the point where the 100th meridian of west longitude intersects the thirty-second correction line aforesaid, thence following the said 100th meridian south to the eighteenth correction line in the said system of survey, thence in an easterly direction along the said eighteenth correction line to a point where the said correction line intersects the Nelson river, thence southerly along the Nelson river to Lake Winnipeg, thence along the northern and western shores of Lake Winnipeg in a southerly direction to the point where it intersects the northern boundary of the province of Manitoba.

The claim of the province of Saskatchewan to the territory is paramount because

1. This territory formed part of the organized districts of Saskatchewan and Athabasca, and was under control and government of the Northwest Territories from its organization until the formation of the province of Saskatchewan when it was not included within the area of that province.

2. This territory was governed and administered by the government of the Northwest Territories. It was represented in the legislative assembly of the Northwest Territories, being formerly in the electoral district of Cumberland, then in the electoral district of Prince Albert East, and after 1902 in the electoral district of Kinistino. At every election for the legislative assembly polling divisions were established in this territory. The laws in force were the laws of the Northwest Territories, and these were enforced and administered by the police and judges of the Northwest Territories. The legislature of the Northwest Territories made the laws for this territory and no other legislature except the parliament of Canada had any authority therein. This territory was as much a part and parcel of the organized Northwest Territories as was the city of Regina or the municipality of Indian Head, and had an equal right to be included within the province.

3. The inhabitants of this territory do not want to be included within the province of Manitoba, but they do want to be included within the province of Saskatchewan.

This has been made absolutely clear by the people themselves on every occasion on which they had an opportunity of giving expression to their wishes. The first opportunity afforded them for giving expression to their views was in 1901 in the legislative assembly of the Northwest Territories when a resolution was submitted in the following terms:

‘That in the opinion of this House no terms should be accepted for the erection of the territories into a province or provinces entailing the annexation of any portion thereof to the province of Manitoba.’

The people of this territory, then part of the electoral district of Prince Albert



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East, through their duly accredited representative on the floor of the assembly (Mr. S. McLeod), protested strongly against any extension of the northern boundary of Manitoba which would include them within that province.

And again in the year 1902 a resolution was introduced into the assembly of the Northwest Territories, reiterating the position taken the year previous, and on this occasion also the people of this territory, through their representative in the assembly, declared that they did want to continue to be a part of the Northwest Territories and to obtain provincial status along with the other portions of the said territory. (See journals of the assembly, 1902.)

But further, the people of this territory are represented in the parliament of Canada by Dr. E. L. Cash, M.P., one of the representatives of the province of Saskatchewan, the territory being part of the electoral district of Mackenzie for federal purposes, and in 1905, when the Saskatchewan Act was before parliament, the people of this territory through Dr. Cash, their representative, protested against being left outside of the province of Saskatchewan, then being established. So that on every occasion on which an opportunity presented itself the residents of this territory, through their duly accredited representative, declared their desire to be united with the territory now forming part of the province of Saskatchewan, and most emphatically negatived the suggestion that they be included within the province of Manitoba.

#### THE PEOPLE THEMSELVES PETITION.

But that is not all. The residents of this territory did not rest content with simply giving expression to their view through their accredited representatives. In 1905 when the Saskatchewan Act was before parliament, and it was known that the territory was not included within the proposed province of Saskatchewan, the people themselves gave most direct and explicit expression to their views in a petition which they prepared and forwarded to their representative at Ottawa, Dr. Cash, asking that they be included within the province of Saskatchewan (vide *Hansard*, 1905, cols. 4833, 4834, and 4835). The petition is in the following words:—

‘To the Rt. Hon. Sir WILFRID LAURIER, G.C.M.G.,

‘SIR,—We, the undersigned, electors of Mackenzie district, N.W.T., and residing at or near The Pas, Sask., having learned but recently that an effort is being made by the government of Manitoba to have that portion of the territories, lying north of Manitoba, joined to and included in the province of Manitoba, and such annexation being repugnant to us, and as we believe detrimental to the best interests of this portion of the country, we therefore humbly petition that our political affiliation may be with the territories and not with Manitoba, and in case of provincial autonomy being granted the territories, our destiny may be in and with that portion of the territories of which we form an integral part and for such, as in duty bound, your petitioners will ever pray.

‘G. MALCRON, The Pas, Saskatchewan.  
 ‘M. B. EDWARDS, The Pas, Saskatchewan.  
 ‘JOHN H. GORDON, The Pas, Saskatchewan.  
 ‘R. F. McDUGALL, The Pas, Saskatchewan.  
 ‘JOSEPH COURTNEY, The Pas, Saskatchewan.  
 ‘LOUISE MARCELLAS, The Pas, Saskatchewan.  
 ‘EDWARD HAIGHT, Cedar Lake.  
 ‘DOUGALL MCKENZIE, Grand Rapids.  
 ‘ISAIAH BUCK, The Pas, Saskatchewan.  
 ‘CHARLES HEAD, The Pas, Saskatchewan.  
 ‘JOSEPH MCCAULEY, Red Earth.  
 ‘PETER BLOOMFIELD, The Pas, Saskatchewan.  
 ‘and twenty-five others.’



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Forty-eight electors of this district petitioned against being included within the boundaries of Manitoba, and prayed to be continued in political affiliation with the province of Saskatchewan.

Could any stronger evidence be submitted? These people on every possible occasion through their representatives protested against being included in Manitoba, but wished to remain with what is now the province of Saskatchewan, and immediately it was known that they were not included within the province of Saskatchewan, when the Bill establishing that province was introduced into parliament, they by petition directly requested to be taken into that province. If the wishes of the people of this territory are to be considered, the territory must be joined to the province of Saskatchewan. It is confidently submitted that the claim of Saskatchewan to this portion of territory is paramount and beyond dispute. No other province has the slightest claim to it, and to no other province should it be given.

Then, again, the province of Manitoba was just as anxious, more anxious even, to have the boundary of the province extended westward to take in a portion of the districts of Assiniboia and Saskatchewan than it was to have it extended northward to Hudson bay. In all their memorials to the government of Canada dealing with the subject of the extension of the boundaries, Manitoba asked, yes, demanded, that the boundaries be extended westward to include the eastern portion of the districts of Assiniboia and Saskatchewan.

This demand was refused on the ground set out by the Committee of the Privy Council in a report under date of March 21, 1905, in answer to a memorial from the government of Manitoba praying for an extension westward and northward. The reason given by the committee was as follows:—

‘The committee further submit that all information in their hands or available indicates that the people occupying the strip of territory in question may be said to be unanimously and determinedly opposed to being united with the province of Manitoba.

‘The committee do not propose to discuss the reasons for the existence of such sentiment nor whether there are just grounds for its existence or not.

‘The committee submit that in corroboration of the view expressed above, a resolution of the Legislative Assembly of the Northwest Territories, passed May 20, 1901, may be cited.’

If the opposition of the people of the eastern portions of the districts of Assiniboia and Saskatchewan, when that opposition was voiced only by their representatives, was a good and sufficient reason for not including these portions within the province of Manitoba, the opposition of the people of that part of the old districts of Saskatchewan and Athabasca lying north of Manitoba voiced, as it is not only by their duly accredited representatives, but directly by their own petition is, it is submitted, more than sufficient reason for excluding the territory from the province of Manitoba and for including it in the province of Saskatchewan. In fact, to do otherwise, to force the people into a union with the province of Manitoba after their own declaration that such a course is ‘repugnant’ to them, would be an act on the part of the government requiring strong grounds for its justification. Besides, it is maintained that the people occupying this territory have the express promise of the Right Honourable Sir Wilfrid Laurier that they would not be forced into a union with Manitoba against their wishes. In introducing the Bills to establish the provinces of Alberta and Saskatchewan Sir Wilfrid used the following language in referring to the demands of Manitoba to have included within her boundaries certain portions of the Northwest Territories:—

‘But is there a member of this House who would advise us that we should carve out of the territories which for thirty-five years have been under the jurisdiction of their own legislature, which are to-day represented by ten members in this House, any portion of what belongs to them and hand over to the province of Manitoba against the consent of the people of these territories? If they agreed to it well and



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good, I would have nothing to say, but the legislature of the territories has more than once declared that they would not under any circumstances consent to any portion of their territory westward of the province of Manitoba being taken away from them.

There is another consideration. For my part, I am prepared to give a full hearing to the province of Manitoba. When that province asks to have her limits extended westward, I am bound to say that we cannot entertain that prayer, for this simple reason, that the territories, through their legislature, have passed upon it, and have pronounced against it. But I understand that as to a certain portion of territory north of Lake Winnipegosis and Lake Manitoba, the Northwest legislature has declared that it has no pronounced views, and that that might be given to the province of Manitoba. But even this I am not prepared, for my part, to grant at this moment; because members representing that section to-day sit on the floor of this House, and they and their people have the right to be heard on that question; and if they do not agree to it I do not think the parliament of Canada should make the grant against their wishes.'

Here we have the explicit declaration of the Prime Minister that if the people occupying this very territory do not consent to be united with the province of Manitoba, the parliament of Canada ought not to make the grant against their wishes.

We now come to the consideration of that portion of the Northwest Territories which formerly composed the district of Keewatin, and the territory lying between the **province of Ontario and Hudson bay**. This area extending northward as far as the sixtieth parallel of latitude, contains about 277,000 square miles, and the question is, what distribution of this territory should be made, consideration being had to any special circumstances which would give one or more of the provinces a claim to special treatment.

#### EACH PROVINCE SHOULD HAVE ACCESS TO HUDSON BAY.

One consideration, it is submitted, should be kept constantly in mind, that is, that each province has a right to have its boundaries extended to Hudson bay. This was made perfectly clear by the Right Honourable Sir Wilfrid Laurier in his speech to the House of Commons above referred to, introducing the Bills to establish the provinces of Alberta and Saskatchewan. On that occasion he spoke as follows:—

'Manitoba has asked to have her territory extended to the shore of the Hudson bay, and this is a prayer which seems to me to be entitled to a fair hearing. But the province of Manitoba is not the only one whose territory could be extended towards the Hudson bay. The province of Ontario would have the same right; the province of Quebec would have also that right, and the new province of Saskatchewan would have an equal right to have her territory extended to the shore of Hudson bay.'

The Committee of the Privy Council of the Dominion appointed to consider the memorial of the Manitoba government in 1905, expressed the opinion that in so far as Manitoba was concerned the desire of the province to have her boundaries extended to the shores of Hudson bay was not an unreasonable one. The report of the committee contains the following:—

'The committee are likewise of the opinion that the desire of the province of Manitoba for an extension of its boundaries to the shores of Hudson bay is not an unreasonable one.'

(See report of committee, dated March 21, 1905.)

It is maintained, that the desire of the province of Saskatchewan to have her boundaries extended to the shores of Hudson bay is equally reasonable.

The province of Ontario already has her boundaries extending to and bordering upon that part of Hudson bay, commonly called James bay, and it is submitted that no disposition of the territory in question should be considered that does not recognize the right of both Saskatchewan and Manitoba to have their respective boundaries ex-



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tended to the shores of Hudson bay, so that each province may have direct water communication with the Atlantic ocean by way of Hudson bay and Hudson straits.

SASKATCHEWAN SHOULD BE AWARDED THE TERRITORY NORTH OF THE NELSON RIVER.

Recognizing the right of each province to have access to Hudson bay and recognizing the paramount claim of Saskatchewan to those portions of the old provisional districts of Saskatchewan and Athabasca lying north of the province of Manitoba, it is confidently contended that that portion of the Northwest Territories bordering on Hudson bay and lying between the Nelson river and the sixtieth parallel of latitude should be awarded to the province of Saskatchewan.

If this were done a natural boundary line between the provinces of Saskatchewan and Manitoba would be found in the Nelson river.

This territory is tributary to Saskatchewan rather than to Manitoba. The rivers flowing through this territory flow from Saskatchewan. In the very near future, it is expected, that this territory will be connected with the province of Saskatchewan by a railway, one terminus of which will be in Saskatchewan and the other at Fort Churchill.

The laws in force in this territory are practically the laws of Saskatchewan both having continued in force the laws of the Northwest Territories and the interests, agricultural, commercial and educational of its people are in a great measure common to the people of Saskatchewan.

The people of Saskatchewan, especially those engaged in agriculture, have a much greater and more direct interest in the opening of a water transportation route via Hudson bay to the markets of Europe, than have the people of any other province. The great fertile plains of Saskatchewan are destined in a few years to produce for export as much grain as all the other provinces of the Dominion exporting by that route. When it is remembered that in this present year the province of Saskatchewan produced thirty million bushels of wheat from, roughly speaking, one and one-half million acres, and when it is realized that in the province there are fifty millions of acres of good arable land as yet unbroken by the plough, some conception can be formed of the enormous production which, in the near future, will take place in Saskatchewan. Even now the transportation systems are unable to satisfactorily handle the output. Complaints of shortage of cars to move the grain are already heard. Even with the opening up of a new transportation artery via Hudson bay, the exports from Saskatchewan, will soon overtax the powers of transportation. Manitoba, with her much small area of good arable land can never equal in the production of grain the fertile prairies of Saskatchewan, and cannot therefore have as great or as direct an interest in the possession of the seaport at the Churchill as has the province of Saskatchewan.

The awarding to Saskatchewan of the territory north of the Nelson river does not, it is submitted, interfere with the granting of Manitoba's reasonable request to have her boundaries extended to Hudson bay. From the mouth of the Nelson river to where the province of Ontario touches James bay there is a coast line of several hundred miles in length with which Manitoba's desire for an extension to the bay can be gratified.

Further, it is submitted, that there is a vast expanse of territory lying south and east of the Nelson river, being part of the Northwest Territories and containing some 208,000 square miles which is available for the purpose of satisfying Manitoba's demand for increased area, on the ground that her present area is much smaller than that of the other western provinces. If this entire portion were given to Manitoba, that province would contain an area of over 280,000 square miles, a larger area than possessed by any other province of Canada, except the province of Quebec and the province of British Columbia. Even if the province of Ontario is considered to be



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entitled to recognition in the distribution of this territory, it is maintained, that there is a sufficient area south and east of the Nelson river to satisfy all legitimate claims for an extension of boundaries both of the province of Manitoba and the province of Ontario.

## RECAPITULATION.

The above shows:—

1. That those portions of the old districts of Saskatchewan and Athabasca, not included in the province of Saskatchewan have been for the past twenty years and should continue to be united with the area forming that province.

2. That the province of Saskatchewan and the province of Manitoba are both entitled to have their boundaries extended to Hudson bay.

3. That granting to the province of Saskatchewan those portions of the old Districts of Saskatchewan and Athabasca, the Nelson river forms a natural boundary, and the only reasonable boundary between that province and the province of Manitoba.

4. That the territory north of the Nelson river is tributary to the province of Saskatchewan rather than to the province of Manitoba, and the interests of its people are more closely allied with Saskatchewan.

5. That the province of Saskatchewan has a much greater interest in a transportation route via Fort Churchill, and Hudson bay, to the European market than has either the province of Manitoba or the province of Ontario.

6. That by awarding the territory north of the Nelson river to Saskatchewan no injustice will be done. There is still over 208,000 square miles of equally good territory with several hundred miles of coast line left, which is amply sufficient to satisfy all reasonable claims both of the province of Manitoba and the province of Ontario.

SUPPLEMENTARY STATEMENT SUBMITTED ON BEHALF OF THE PROVINCE OF SASKATCHEWAN  
WITH REFERENCE TO THE CLAIM OF THE PROVINCE FOR AN EXTENSION OF BOUNDARIES TO  
HUDSON BAY.

The undersigned representing the province of Saskatchewan, did not, until the time of the conference held to-day (November 12, 1906) see the statements presented on behalf of the provinces of Manitoba and Ontario. Having examined the same, they beg leave to submit the following supplementary memorandum:—

It is observed that the government of Ontario recommends the extension of the province of Manitoba northward so as to take in Fort Churchill by producing the 'eastern boundary of Manitoba northward until it strikes the Churchill river; the middle of the channel of said river should then become the boundary until the river debouches into Hudson bay; and that the remainder of the territory of Keewatin lying eastward of such boundary line be allotted to Ontario.'

By the statements submitted in behalf of the respective provinces, it is clearly established that Saskatchewan possesses a strong, legitimate prior claim with respect to a portion of the territory in question; that Manitoba, on account of the smallness of her area, possesses very strong equitable claim to an increase of territory; and that Ontario can urge neither a similar claim as regards any of the territory in question, nor as regards need for additional area. In view of these facts and of Ontario's recommendation the undersigned, on behalf of the province of Saskatchewan, request permission to suggest that in generosity to Manitoba, the province of Saskatchewan will not wish to yield first place to Ontario. They, therefore, following Ontario's example, take the liberty to submit:—

1. That in their opinion the boundaries of Manitoba should be extended northward and eastward so as to include all of the present Northwest Territory lying south and east of the Nelson river.

2. That the remainder of the territory lying between the province of Saskatchewan and Hudson bay and between the sixtieth parallel of north latitude and the Nelson river, be allotted to the province of Saskatchewan.



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The government of Manitoba puts forward a claim to the area which was formerly the District of Keewatin on the ground that the Lieutenant Governor of Manitoba was connected with the administration of that territory. In reference to this, the undersigned desire to point out that any connection which the Lieutenant-Governor of Manitoba had with the administration of Keewatin, was not as Lieutenant-Governor of Manitoba, but in a separate and independent capacity; he being Lieutenant-Governor of both Manitoba and Keewatin. The government of Manitoba had no jurisdiction whatever over Keewatin.

But the undersigned wish to point out further that if this contention of Manitoba be considered a sound one, the province of Saskatchewan is entitled, not only to those portions of the old districts of Saskatchewan and Athabasca not included within the province, but also to Fort Churchill and the surrounding territory because Fort Churchill and the territory lying to the east of the easterly boundary of Manitoba produced northerly, is not and never was in the district of Keewatin, but always formed part of the Northwest Territories and was under the direct administration of the government of the Northwest Territories, whose successor is the government of Saskatchewan. (See Keewatin Act.) To claim Keewatin on the above ground on behalf of Manitoba, is, it is submitted, conceding the claim of Saskatchewan to the territory over which the government of the Northwest Territories had jurisdiction.

It is noted that the government of Manitoba bases an argument on the statement that in 1898 the territorial legislature by majority (not unanimously) expressed willingness that all the area lying north of Manitoba should be allotted to that province. The undersigned respectfully submit that the Manitoba government has repeatedly and voluminously by the character of its representation abandoned, and deprived itself of, any right to urge this argument.

In 1901 the legislature of Manitoba passed a resolution asking for an extension of boundaries westward and northward. Again in the following year (1902) the legislature reiterated the claims previously made and unanimously passed a resolution which contained the following :—

‘Whereas it is believed that the extension of the boundaries of the province, so as to be and include a portion of the eastern portion of the districts of Assiniboia and Saskatchewan, in the Northwest Territories, and northward to Hudson bay, would largely tend to the material advantage of both Manitoba and of those persons within and that may hereafter become residents of the said proposed extended territory ; and

‘Whereas the province of Manitoba possesses legislative powers and advantages of an educational, commercial, benevolent, and charitable character not at present possessed or enjoyed by the Northwest Territories.

‘Therefore let it be resolved;—

‘1. That the House is of the opinion that it is desirable, both in the interests and for the welfare of the province of Manitoba and the Northwest Territories, that the area of the former should be increased by an extension of boundaries so as to embrace and include a portion of the districts of Assiniboia and Saskatchewan and northwards to Hudson bay; and

‘Whereas the House desires to reaffirm the foregoing resolution, believing, as it does, that the early extension of the boundaries of the province of Manitoba westward and northward to Hudson bay is of the highest importance to the interests of the province and the territory proposed to be added.

‘Therefore let it be resolved;—

‘1. That an humble address, setting forth the allegations set forth in the foregoing resolutions, previously adopted by this House, with such other data as the exigency of the case may require, be prepared by such members of this House as comprise the executive, and presented to His Excellency the Governor General, praying that His Excellency in Council will be pleased to take such action as shall result in the boundaries of the province of Manitoba being extended westward and northward to Hudson bay at an early date.’



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In subsequent years the legislature of Manitoba repeated its demands for the inclusion within that province of the eastern portion of the districts of Assiniboia and Saskatchewan as well as an extension of the boundaries northward to Hudson bay. Even as late as February 23, 1905, Manitoba, through Messrs. Rogers and Campbell, members of the Manitoba government, protested to Sir Wilfrid Laurier against his decision not to extend the boundaries of Manitoba westward. In a letter addressed by them to Sir Wilfrid the following appears :—

‘In view of Manitoba’s strong claims, we presented to you in the memorial un-animously passed by our legislature, and supported and supplemented in our interview, we must enter, on behalf of the province, our firm protest against your decision in refusing to grant the prayer of our request for the extension of our boundaries westward, and exceedingly regret that apparently local considerations have deprived Manitoba of what she rightfully regards as a most just claim.’

Since 1884 therefore Manitoba has made two demands on the Dominion government in reference to the boundary question.

*First.*—A westward extension of the boundaries of the province so as to include the eastern portion of Assiniboia and Saskatchewan, and

*Second.*—An extension northward to the shores of Hudson bay.

Attention is called to Manitoba’s persistent demand for an extension westward, repeated time and again, reiterated by way of protest as late as February, 1905, and which even finds further expression in the Manitoba memorandum, dated September, 1906, submitted at to-day’s conference, and all in the face of and with full and admitted knowledge of the contrary expressed wishes of the people inhabiting the area involved in such proposed westward extension and of the declarations on the subject by the body which the Manitoba government now terms ‘the constituted representative authority of the Northwest Territories.’ It is respectfully submitted that this attitude of Manitoba towards a positive declaration of ‘constituted representative authority’ shuts the door against any argument by Manitoba based upon a merely implied declaration of the same authority. And attention is again drawn to the fact that on no occasion did the elected representatives in the legislature or in parliament of the area lying north of Manitoba fail to strongly voice the wish of the inhabitants thereof to be attached to Saskatchewan and not to be attached to Manitoba.

The undersigned earnestly submit that the development and administration of the area lying north of the Nelson river can be best secured by the province of Saskatchewan because of its geographical conformation in relation to Saskatchewan, which insures that the proposed railway to connect the prairie wheat lands with Hudson bay shall run from a point in the present province of Saskatchewan to Fort Churchill. That the interest of Saskatchewan in the Hudson bay route is paramount cannot but be evident when we consider the respective distances from the centres of Manitoba and Saskatchewan to Hudson bay and to the head of Lake Superior. The centre of Manitoba is distant from Fort William approximately 500 miles and from Fort Churchill by the shortest practicable route 750 or 800 miles, while on the other hand the centre of Saskatchewan is distant from Fort William approximately 800 miles and from Fort Churchill only 500 or 550 miles.

The undersigned, in conclusion, submit that notwithstanding the claims and pleas put forward by any province with respect to areas outside of provincial jurisdiction it is the duty of the responsible Dominion authority in allotting such areas to keep first in view the interest and welfare of the actual and prospective inhabitants of the areas themselves, and that by so doing the general interest of the Dominion of Canada will be conserved. They have confidence that if such principle be observed with regard to the area lying north of the Nelson river the same will be resorted to association with and allotted to the province of Saskatchewan.

WALTER SCOTT,  
J. H. LAMONT.

OTTAWA, November 12, 1906.